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Tuesday
February 23, 1988

Briefings on How To Use the Federal Register—
For information on briefings in Tampa, FL, and Fort
Lauderdale, FL, see announcement on the inside cover of
this issue.

Federal Register



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THE FEDERAL REGISTER WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

TAMPA, FL

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- WHERE:** Auditorium
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Contents

Federal Register

Vol. 53, No. 35

Tuesday, February 23, 1988

Administrative Conference of the United States

NOTICES

Meetings:

Regulation Committee, 5290

Agriculture Department

See Federal Crop Insurance Corporation; Forest Service

Air Force Department

NOTICES

Meetings:

Scientific Advisory Board, 5294

Army Department

NOTICES

Meetings:

Science Board, 5294

Arts and Humanities, National Foundation

See National Foundation on the Arts and the Humanities

Commerce Department

See International Trade Administration; Minority Business Development Agency; National Oceanic and Atmospheric Administration

Defense Department

See also Air Force Department; Army Department

NOTICES

Committees; establishment, renewal, termination, etc.:

Sizing DOD Medical Treatment Facilities Blue Ribbon Panel, 5293

Meetings:

Science Board, 5293

(3 documents)

Science Board task forces, 5293, 5294

(2 documents)

Drug Enforcement Administration

NOTICES

Applications, hearings, determinations, etc.:

Trawick, Davis E., D.D.S., 5326

Education Department

NOTICES

Grants; availability, etc.:

Bilingual education—

Field readers, 5294

Meetings:

Indian Education National Advisory Council, 5295

Employment and Training Administration

NOTICES

Adjustment assistance:

A.O. Smith Water Products Co. et al., 5328

Preway, Inc., et al., 5328

Universal Wire Products, Inc., 5329

Employment Policy, National Commission

See National Commission for Employment Policy

Energy Department

See Federal Energy Regulatory Commission

Environmental Protection Agency

NOTICES

Grants, State and local assistance:

Underground injection control program; water source protection, 5297

Superfund program:

Notice letters, negotiations, and information exchange; guidelines, 5298

Equal Employment Opportunity Commission

NOTICES

Meetings; Sunshine Act, 5343

Export Administration

See International Trade Administration

Federal Communications Commission

RULES

Radio broadcasting:

AM daytime-only broadcast stations; unlimited-time operation, etc.

Correction, 5344

PROPOSED RULES

Common carrier services:

Public land mobile services—

Rural cellular service; correction, 5289

Radio stations; table of assignments:

Alaska, 5283

California, 5287

Colorado, 5283

(2 documents)

Indiana, 5285

Maine, 5283, 5287

(2 documents)

Michigan, 5287

Ohio, 5288

Tennessee, 5285

Texas, 5285, 5286

(2 documents)

Virginia, 5288

Washington, 5289

Wisconsin, 5286

NOTICES

Rulemaking proceedings; petitions filed, granted, denied, etc., 5316

Applications, hearings, determinations, etc.:

Curley, Dennis H., et al., 5314

Hilgendorf, Donald E., et al., 5314

Modlin, Edward M., Jr., et al., 5314

Parrish, Theresa P., et al., 5315

Rockledge Community Broadcasters, Inc., et al., 5315

Spivey, Lloyd, et al., 5315

Federal Crop Insurance Corporation

PROPOSED RULES

Crop insurance endorsements, etc.:

Certified seed potatoes, 5276

Frost/freeze potatoes, 5276

Potatoes, 5276

Tobacco, 5277

Federal Election Commission

PROPOSED RULES

Contributions and expenditure limitations and prohibitions:
Allocations between Federal and nonfederal accounts,
5277

Federal Emergency Management Agency

RULES

Flood insurance; communities eligible for sale:
Pennsylvania et al., 5272

Federal Energy Regulatory Commission

NOTICES

Preliminary permits surrender:
Yuba County Water Agency et al., 5295
Applications, hearings, determinations, etc.:
Curtis, William A., 5295
El Paso Natural Gas Co., 5295
Hadson Gas Systems, Inc., 5295
McKay, Horace F., Jr., et al., 5296
Williams Natural Gas Co., 5297

Federal Maritime Commission

NOTICES

Agreements filed, etc., 5318
(2 documents)
Committees; establishment, renewal, termination, etc.:
Section 18 Study Advisory Committee, 5317

Federal Reserve System

NOTICES

Agency information collection activities under OMB review,
5318
Meetings; Sunshine Act, 5343
Applications, hearings, determinations, etc.:
First National Holding Company, Inc., 5319
Key Centurion Bancshares, Inc., et al., 5319
Trust, M. F. Jarvis, et al., 5319

Food and Drug Administration

NOTICES

GRAS or prior-sanctioned ingredients:
Imperial Biotechnology, Ltd., 5319
Medical devices; premarket approval:
Prosorba Column, 5320

Forest Service

NOTICES

Environmental statements; availability, etc.:
Lewis and Clark National Forest, MT, 5290

Health and Human Services Department

See Food and Drug Administration; Health Care Financing
Administration; Public Health Service; Social Security
Administration

Health Care Financing Administration

RULES

Medicaid:
Payments to institutions; post-eligibility determinations
for institutionalized individuals
Correction, 5344

Health Resources and Services Administration

See Public Health Service

Interior Department

See Land Management Bureau; National Park Service

Internal Revenue Service

RULES

Procedure and administration:
Federal tax lien; electronic or magnetic medium filing
5269

PROPOSED RULES

Procedure and administration:
Federal tax lien; electronic or magnetic medium filing,
5279

International Trade Administration

NOTICES

Meetings:
Computer Peripherals, Components, and Related Test
Equipment Technical Advisory Committee, 5291
Applications, hearings, determinations, etc.:
Environmental Protection Agency et al., 5291
Wake Forest University et al., 5290
Woods Hole Oceanographic Institution, 5291

Justice Department

See Drug Enforcement Administration

Labor Department

See also Employment and Training Administration;
Occupational Safety and Health Administration

PROPOSED RULES

Freedom of Information Act; implementation:
Uniform fee schedule and administrative guidelines, 5346

NOTICES

Agency information collection activities under OMB review,
5327

Land Management Bureau

NOTICES

Environmental statements; availability, etc.:
Aptus Industrial and Hazardous Waste Treatment
Facility, UT, 5324
Oil and gas leasing:
Known geologic structure (KGS) quality assurance; 32
KGS classifications, audit report; availability, 5324

Legal Services Corporation

NOTICES

Meetings; Sunshine Act, 5343

Library of Congress

NOTICES

Meetings:
American Folklife Center Board of Trustees, 5330

Minority Business Development Agency

NOTICES

Business development center program applications:
Oklahoma, 5292

National Commission for Employment Policy

NOTICES

Meetings, 5330

National Foundation on the Arts and the Humanities

NOTICES

Meetings:
Expansion Arts Advisory Panel, 5330
Inter-Arts Advisory Panel, 5331
(2 documents)

National Mediation Board**NOTICES**

Meetings; Sunshine Act, 5343

National Oceanic and Atmospheric Administration**NOTICES**

Meetings:

Pacific Fishery Management Council, 5292

National Park Service**NOTICES**

National Register of Historic Places:

Pending nominations—

Alaska et al., 5325

Nuclear Regulatory Commission**NOTICES**

Environmental statements; availability, etc.:

Union Electric Co., 5331

Meetings:

Reactor Safeguards Advisory Committee, 5332
(2 documents)

Applications, hearings, determinations, etc.:

Virginia Electric & Power Co., 5333

Occupational Safety and Health Administration**PROPOSED RULES**

Construction safety and health standards:

Excavations, 5280

Personnel Management Office**NOTICES**

Expected service:

Schedules A, B, and C; positions placed or revoked—
Update, 5333

Postal Service**RULES**

Domestic Mail Manual:

Postage meters; unauthorized use, 5270

PROPOSED RULES

Domestic Mail Manual:

Postage meters; unauthorized use, 5282

Public Health Service

See also Food and Drug Administration

NOTICES

Organization, functions, and authority delegations:

Administrative Services Center, Acquisitions
Management Division, 5321

Commissioner, Management and Operations Office, 5321

Securities and Exchange Commission**RULES**

Securities:

Advertising by investment companies
Correction, 5269

NOTICES

Self-regulatory organizations; proposed rule changes:

MBS Clearing Corp., 5337, 5338
(2 documents)

Applications, hearings, determinations, etc.:

Founders Mutual Fund et al., 5335
Midwest Securities Trust Co., 5336
Money Market Fund, Inc., 5334

Small Business Administration**NOTICES**

Disaster loan areas:

California, 5339

Meetings; regional advisory councils:

Arizona, 5339

California, 5339

Small business investment companies:

Maximum cost of money; debenture rate, 5339

Social Security Administration**NOTICES**

Organization, functions, and authority delegations, 5322

State Department**NOTICES**

Meetings:

International Telegraph and Telephone Consultative
Committee, 5339

Shipping Coordinating Committee, 5340

Treasury Department

See also Internal Revenue Service

NOTICES

Agency information collection activities under OMB review,
5340

Privacy Act; systems of records, 5340

Separate Parts In This Issue**Part II**

Department of Labor, 5346

Reader Aids

Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR

Proposed Rules:

401 (4 documents)..... 5276,
5277

11 CFR

Proposed Rules:

102..... 5277
106..... 5277

17 CFR

239..... 5269
274..... 5269

26 CFR

301..... 5269

Proposed Rules:

301..... 5279

29 CFR

Proposed Rules:

70..... 5346
1926..... 5280

39 CFR

111..... 5270

Proposed Rules:

111..... 5282

42 CFR

435..... 5344

44 CFR

64..... 5272

47 CFR

73..... 5344

Proposed Rules:

22..... 5289
73 (15 documents)..... 5283-
5289

Rules and Regulations

Federal Register

Vol. 53, No. 35

Tuesday, February 23, 1988

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 239 and 274

[Release Nos. 33-6753B; IC-16245B; File No. S7-23-86]

Advertising by Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of form amendments; correction.

SUMMARY: On February 2, 1988, the Commission issued a release amending the General Instructions to Form N-1A (17 CFR 274.11A) by adding a phrase to paragraph 1(b) of the General Instructions for Parts A and B (53 FR 3868, Feb. 10, 1988). The Commission is now correcting that release to make the amendment to the General Instructions of Form N-1A consistent with the General Instructions as amended in a release issued by the Commission on February 1, 1988 (53 FR 3192, Feb. 4, 1988).

EFFECTIVE DATE: May 1, 1988.

FOR FURTHER INFORMATION CONTACT: John McGuire, Attorney, (202) 272-2107, Office of Disclosure and Adviser Regulation, Division of Investment Management.

List of Subjects in 17 CFR Parts 239 and 274

Investment companies, Reporting and recordkeeping requirements, Securities.

§ 239.15A [Amended]

§ 274.11A [Amended]

Accordingly, in FR Doc. 88-2670, page 3881 in the February 10, 1988 issue, the amendment to Form N-1A should have been made to § 239.15A as well as § 274.11A, in the amendatory language for number 11 the phrase "revising paragraph 1(b) of the General

Instructions for Parts A and B" should have read "revising paragraph 1 of the General Instructions for Parts A and B," the amendment shown to Item 1(b) is withdrawn, and the text of paragraph 1 reads as follows.

* * * * *

General Instructions for Parts A and B

1. The information contained in the prospectus and the Statement of Additional Information should be organized to make it easy to understand the organization and operation of the Registrant. The information need not be in any particular order, with the exception that Items 1, 2, and 3 (except paragraph (c) of Item 3) must be in numerical order in the prospectus and may not be preceded or separated by any other item.

* * * * *

Jonathan G. Katz,
Secretary.

February 16, 1988.

[FR Doc. 88-3703 Filed 2-22-88; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 8174]

Procedure and Administration; Electronic Filing of Notice of Federal Tax Lien

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to a notice of Federal tax lien filed by the use of an electronic or magnetic medium. These temporary regulations clarify existing regulations under section 6323(f) of the Code.

DATES: The temporary regulations are effective for a notice of Federal tax lien filed on or after February 23, 1988.

FOR FURTHER INFORMATION CONTACT: Lauren G. Shaw of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T) 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document amends the Administrative Regulations (26 CFR Part 301) under section 6323 of the Internal Revenue Code of 1986 (Code). These regulations clarify that the term "Form 668" includes a notice of Federal tax lien filed by the use of an electronic or magnetic medium where the law of the state in which a notice of Federal tax lien is filed permits such method of filing.

In General

Section 6321 of the Code imposes a lien in favor of the United States whenever a person liable for any tax neglects or refuses to pay the tax after demand. For such lien to be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor, a notice of the lien must be filed which meets the requirements of section 6323(f). Section 6323(f)(3) provides that the form and content of the notice referred to in section 6323(a) shall be prescribed by the Secretary, and that such notice is valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

Notice of Lien May be Filed by the Use of an Electronic or Magnetic Medium

Section 301.6323(f)-1(c) of the regulations provides that notice of a Federal tax lien "shall be filed on Form 668, 'Notice of Federal Tax Lien under Internal Revenue Laws'." These temporary regulations clarify that the term "Form 668" includes both a Form 668 printed on paper and a Form 668 filed by the use of an electronic or magnetic medium if the law of the state in which the notice is filed permits a notice of Federal tax lien to be filed by the use of such medium. The use of a non-paper form will not affect the decision to place a notice of lien on file and will not significantly affect the timing of issuance of a notice of lien. Rather, the use of a non-paper form merely simplifies the manner of transmitting information to a state after a lien is determined to be valid and any remaining issues are resolved. Paper forms will continue to be used in states that do not permit electronic or magnetic filing.

The use of electronic or magnetic media to file a notice of tax lien will enable the Internal Revenue Service to better serve the public by (a) reducing the time it takes to notify the public that a lien exists; (b) reducing the amount of paperwork necessary to file a notice; and (c) in certain cases, eliminating or reducing the cost of filing a notice of lien, which cost is generally billed to the taxpayer involved.

Refiling a Notice of Lien

Section 6323(g) of the Code and § 301.6323(g)-1 of the regulations, which govern the refiling of a notice of Federal tax lien, do not require a particular form to be used in refiling a notice of Federal tax lien. Therefore, an amendment to the regulations is not necessary to allow a notice of Federal tax lien to be refilled by the use of any electronic or magnetic medium permitted by the State in which the notice is refilled.

Special Analyses

A general notice of proposed rulemaking is not required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291, and that a Regulatory Impact Analysis is therefore not required.

Drafting Information

The principal author of these temporary regulations is Lauren G. Shaw of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Adoption of Amendments to the Regulations

Accordingly 26 CFR Part 301 is amended as follows:

PART 301—[AMENDED]

Paragraph 1. The authority for Part 301 is amended by adding the following citation:

Authority: 26 U.S.C. 7805 * * * Section 301.6323(f)-1T(c) is also issued under 26 U.S.C. 6323(f)(3).

Par. 2. A new § 301.6323(f)-1T(c) is added immediately after § 301.6323(f)-1(c) to read as follows:

§ 301.6323(f)-1T Place for filing notice; form. (Temporary)

(a)-(b) [Reserved]

(c) *Form—(1) In general.* The notice referred to in § 301.6323(a)-1 shall be filed on Form 668, "Notice of Federal Tax Lien under Internal Revenue Laws". Such notice is valid notwithstanding any other provision of law regarding the form or content of a notice of lien. For example, omission from the notice of lien of a description of the property subject to the lien does not affect the validity thereof even though State law may require that the notice contain a description of the property subject to the lien.

(2) *Form 668 defined.* The term "Form 668" generally means a paper form. However, if a state in which a notice referred to in § 301.6323(a)-1 is filed permits a notice of Federal tax lien to be filed by the use of an electronic or magnetic medium, the term "Form 668" includes a Form 668 filed by the use of any electronic or magnetic medium permitted by that state. A Form 668 must identify the taxpayer, the tax liability giving rise to the lien, and the date the assessment arose regardless of the method used to file the notice of Federal tax lien.

Lawrence B. Gibbs,
Commissioner of Internal Revenue.

Approved:
Donaldson Chapoton,
Assistant Secretary of the Treasury.
February 9, 1988.
[FR Doc. 88-3795 Filed 2-22-88; 8:45 am]
BILLING CODE 4830-01-M

POSTAL SERVICE

39 CFR Part 111

Unauthorized Use of Postage Meters

AGENCY: Postal Service.
ACTION: Final rule.

SUMMARY: This final rule amends the Domestic Mail Manual to strengthen postal regulations to protect against unauthorized use of postage meters and

payment of fraudulent refunds for postage meter stamps.

EFFECTIVE DATE: April 17, 1988.

FOR FURTHER INFORMATION CONTACT:
F. E. Gardner, (202) 268-5178.

SUPPLEMENTARY INFORMATION: On June 23, 1987, the Postal Service published in the *Federal Register* for comment (52 FR 23561) a proposed change in Parts 144 and 147 of the Domestic Mail Manual (DMM) to:

1. Specifically warn an applicant for a meter license that the license will be immediately revoked and the meter immediately removed if the meter is used in operating any fraudulent scheme or enterprise of any unlawful character.

2. Specifically require a post office to retain a meter brought in for resetting or examination when the manufacturer has been unable to locate the meter holder for a semi-annual inspection.

3. Create a lost of stolen meter book.

4. Set forth specific inspection procedures for meter manufacturers.

5. Limit cash refunds for unused meter stamps to \$10; refunds in a greater amount would be made only by money order or check. This was designed to stop refunds of metered postage to persons other than to the meter licensee whose meter stamps are submitted for refund.

6. Require submission of additional information to help prevent revenue losses that have resulted from unauthorized use of postage meters.

Interested persons were invited to submit written comments concerning the proposed change by August 22, 1987.

Written comments were received from 1,032 commenters. Many of the comments were identical. For example, one hundred and three identical responses were signed by various individuals who have business connections with a single company.

A great number of responses objected to the portion of the proposed rule which would require mailers preparing metered mail for others to list the meter serial numbers, meter holders, number of pieces mailed and rate per piece for each meter used in preparing the mailing. This portion has been separated from the rest of the proposal and is republished for further comment elsewhere in today's issue.

Certain of the comments discussed other portions of the proposal. One commenter suggested that proposed 144.313, which deals with the post office retaining and returning to the manufacturer for examination any meter presented for setting or examination that is reported lost, stolen, not locatable, etc., should be changed to

provide that such a meter should be returned to the manufacturer either for examination or inspection. The reason for the suggested change is that return of a meter for examination means that it would be sent to the manufacturer's repair facility, whereas inspection can be done in the field and may be all that is needed. We agree and rewrote the section to satisfy the concerns raised by the commenter. The same point was made with respect to proposed 144.962(b)(2). We made that change as well.

One commenter recommended a change to the proposed requirement in 144.92e that the printing die be attached to the meter in a manner, such as with breakoff screws, that it is not practical to remove or replace it for fraudulent purposes. The commenter suggested that "other acceptably secure methods" should be added after "breakoff screws." We are satisfied that the initial language, as proposed, will permit acceptable methods of secure attachment other than breakoff screws.

Certain other editorial comments and suggestions were made, most of which have been incorporated in the final rule.

List of Subjects in 39 CFR Part 111

Postal Service.

Accordingly, after due consideration the Postal Service is amending Parts 144 and 147, Domestic Mail Manual as follows:

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. Amend 144 as follows:

144 POSTAGE METERS AND METER STAMPS

144.2 Meter License.

.21 Application.

.211 Procedures. A customer may obtain a license to use a postage meter by submitting Form 3601–A, APPLICATION FOR A POSTAGE METER LICENSE (or a form supplied by the manufacturer containing the same information and format), to the post office where the metered mail will be deposited. No fee is charged. On approval, the postmaster will issue a license. By submitting an application a customer agrees that the license will be immediately revoked and the meter immediately removed if the meter is

used in operating any fraudulent scheme or enterprise of an unlawful character.

.23 Revocation.

.232 The postmaster will notify the meter license holder if the license is, or is to be, revoked and will provide the reasons for revocation. Form 3604, NONUSE OF MAILING PERMIT OR METER LICENSE, may be used if revocation for nonuse is being considered. See 144.214 for appeal procedures.

.233 The postmaster will notify the licensee's meter manufacturer of the revocation to permit prompt compliance with 144.952i by the manufacturer.

144.3 Setting Meters.

.313 Post offices must retain, and promptly arrange for inspection or examination by the manufacturer, any meter presented for setting or examination:

a. After it has been reported as lost or stolen, or

b. After it or the meter holder has been reported by the manufacturer as not locatable for purposes of its semi-annual manufacturer's inspection, or

c. If it has not been authorized for use under a meter license.

144.34 Examination and Setting.

.341 Examination.

d. Serial numbers must be checked to see that they agree with those listed on Form 3610, RECORD OF POSTAGE METER SETTINGS, and that the total of the two registers equals the last entry in column eight of Form 3610. If the meter is not registering properly, it must be checked out of service in accordance with 144.36. Serial numbers of meters must be checked against the lost or stolen meter book, where available.

144.61 Quarterly Verification.

.61h An employee in accounting or mail classification who did not participate in the sampling must check the Forms 3616 against the numerical and alpha files of meters set by the post office and the lost or stolen meter book, where available. When a meter impression disclosed in the sampling cannot be traced to an authorized meter user, a supervisor should review the matter. Unless the supervisor decides there is minimal risk involved in alerting the customer, do not contact the customer. Enlist the assistance of the

manufacturer to resolve the discrepancy. If the meter manufacturer cannot resolve the matter, advise the MSC Director of Finance. If a meter impression serial number is found in the lost or stolen meter book, it must be reported in accordance with 144.61k.

144.63 Lost or Stolen Meters.

Add the following to the end of the section: Quarterly, a PDC will distribute a book of all lost or stolen meters to selected post offices, see 144.952.

144.65 Meter Manufacturers.

Postmasters must cooperate with representatives of meter manufacturers in the examination and control of customers' meters by providing the information from (or a copy of) either a customer's Form 3610 or the latest Form 3603, and verifying the location of the meter or meter holder, when requested.

144.9 Manufacture and Distribution of Postage Meters.

144.92 Specifications.

.92e Add the following sentence to the end of the section: It must be attached to the meter in a manner (such as with breakoff screws) that it is not practicable to remove or replace it fraudulently.

144.95 Distribution.

.952 Controls.

.9521 Provide a PDC with a compatible computer tape of lost or stolen meters, quarterly. The file will be due on January 1, April 1, July 1, and October 1. File consisting of less than 100 meters may be provided on a printout.

144.96 Maintenance.

.962 Inspection of Meters in Use.

a. The manufacturer must have all of its meters in service with mailers inspected at least twice annually at approximate 6-month intervals. Inspection must be sufficiently thorough to determine that each meter is clean, in proper operating condition, and that it is recording its operations correctly and accurately, as follows:

(1) Compare the meter serial number on the meter with the serial number on

the source document (manufacturer's records).

(2) Record the ascending and descending register readings and calculate the total readings.

(3) Obtain the customer's copy of the most recent Form 3603, RECEIPT FOR POSTAGE METER SETTINGS, and verify the control total after the last setting with the control total calculated during the proof of register procedure.

(4) Verify the accuracy of postage selection, denomination indicator wheels or electronic display, and denomination printing wheels following the proof of registers by printing a .00 meter stamp and comparing the register readings after printing with the recorded register readings.

(5) Check to determine that the post office seal is in place, properly compressed, reads "US-PO" or "US-PS," and that the seal wire is properly wound and tightly gripped by compressed lead, and tightly pulled up to the lock cover or post.

(6) Check to determine that the lock cover properly protects the lock and has not been loosened, bent or tampered with.

(7) Depending on the meter manufacturer or model, perform the following:

(a) Check to ensure that the meter fits on the meter base properly.

(b) Check all break-off screws to determine that none is missing, loose, or shows signs of having been removed.

(c) Operate the dater and meter ad selector dials to test the dater, postmark die, and meter ad plate.

(d) Check the alignment and condition of engraving on the denomination printing wheels, when visible.

(e) Check the descending register door for damage, pry marks, or scarring. Make certain that the door cannot be opened without unlocking it.

(f) Examine the meter drum for damage, pry marks, or scarring.

(g) Examine the meter cover for pry marks or scarring near the post office lock or break-off screws, any drilled holes, or any signs of attempted entry into the internal mechanism of the meter.

(h) Closely examine the postage meter stamp die for excessive wear, damage, breakage, or scars from prying, and the postage die retaining screws for signs of wear to ensure that none is missing or shows signs of having been removed.

(i) Check the register, counter, and display windows for breakage or cloudiness.

(j) Obtain the signature of the meter holder to indicate that a meter inspection has taken place.

(8) Report immediately to the mailer's licensing postmaster any irregularities found in the operation of the meter or indications of its improper usage, and take appropriate steps to replace or remove the meter.

b. If a meter manufacturer cannot locate one or more of its meters in service using the address information in its files, take the following steps.

(1) Contact the mailer's licensing postmaster and verify the location of the meter or meter holder. If new address information is obtained, the meter inspection must be performed promptly.

(2) If no valid address for the meter or meter holder is available and the meter cannot be located, notify the postmaster at the setting post office in writing. Request that if the specified meter is presented for setting or examination it be retained and the manufacturer or its representative be notified immediately to perform the required inspection or examination.

(3) If the postmaster is unable to determine a valid address for the meter holder, revocation procedures will be instituted. If after the license revocation procedure has been completed the meter is presented for setting or examination, the meter will be retained and the manufacturer notified in accordance with section 144.313.

* * * * *

3. Amend Part 147 as follows:

147 EXCHANGES AND REFUNDS

* * * * *

147.2 Refunds.

* * * * *

.26 Processing Refund Applications for Postage and Fees Paid by Postage Stamps, Meter Impressions, Permit Imprints, or Rejected Printed Stamped Envelopes.

* * * * *

.261c Pay the applicant in cash, except for meter stamps, from official funds on hand, if practicable to do so and if the refund is made in person. For all refunds for meter stamps greater than \$10, use a no-fee money order or a Treasury check payable to the registered license holder of the meter serial number from which postage is being refunded. Refunds for meter stamps for \$10 or less may be made in cash.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of the transmittal

letter will be published in the **Federal Register** as provided in 39 CFR 111.3.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 88-3718 Filed 2-22-88; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6777]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the third column.

FOR FURTHER INFORMATION CONTACT:

Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street SW, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et.

seq.). Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition

of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant

economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date ¹
Region III—Regular Conversions				
Pennsylvania:				
Bushkill, township of, Northampton County.....	421929	Mar. 23, 1977, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Mar. 4, 1988.
Conewago, township of, Adams County.....	421248	Dec. 4, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Dreher, township of, Wayne County.....	422164	May 14, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Hartley, township of, Union County.....	422102	Jan. 6, 1976, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Lehigh, township of, Wayne County.....	422167	July 2, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Limestone, township of, Union County.....	422105	Feb. 13, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Lower Tyrone, township of, Fayette County.....	421630	May 16, 1977, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
McSherrystown, borough of, Adams County.....	421245	Dec. 4, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Mifflinburg, borough of, Union County.....	420832	May 2, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
New Britain, township of, Bucks County.....	420987	Apr. 18, 1973, Emerg.; Sept. 30, 1977, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Saville, township of, Perry County.....	421956	July 23, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Smithfield, township of, Monroe County.....	421896	Nov. 8, 1974, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Tyrone, township of, Perry County.....	421961	Feb. 22, 1977, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
West Pennsboro, township of, Cumberland County.....	421590	Jan. 14, 1976, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Dawson, borough of, Fayette County.....	420460	July 23, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Virginia: Lancaster County Unincorporated areas.....	510084	Nov. 27, 1973, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date
West Virginia:				
Bridgeport, city of, Harrison County	540055	Feb. 13, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Fayette County, Unincorporated areas	540026	Apr. 6, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Grant Town, town of, Marion County	540102	Apr. 7, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Lost Creek, town of, Harrison County	540057	May 22, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Lumberport, town of, Harrison County	540058	Apr. 1, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Region IV				
Georgia: Rockmart, city of, Polk County	130154	July 3, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
North Carolina:				
Louisburg, town of, Franklin County	370098	June 17, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Southern Pines, town of, Moore County	370338	Apr. 15, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Tennessee:				
Brownsville, city of, Haywood County	470087	July 30, 1974, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Clifton, city of, Wayne County	470200	May 2, 1980, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Dunlap, city of, Sequatchie County	470270	Sept. 29, 1975, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Henning, town of, Lauderdale County	470259	July 21, 1986, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Region V				
Illinois: Sugar Grove, village of, Kane County	170333	June 27, 1975, Emerg.; Sept. 30, 1976, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Ohio: Crooksville, village of, Perry County	390441	Apr. 16, 1976, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Region VIII				
Montana:				
Wibaux County, Unincorporated areas	300173	Mar. 22, 1976, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Wibaux, town of, Wibaux County	300084	Sept. 26, 1974, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.	3-4-88	Do.
Region X—Emergency Program				
Washington: Mason County, Unincorporated areas	530115	Aug. 18, 1975, Emerg.; Mar. 4, 1988, Susp.	5-15-79	Do.
Region III—Regular Conversions				
Pennsylvania:				
Center, township of, Snyder County	422591	Oct. 16, 1974, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Freedom, township of, Adams County	421251	Jan. 13, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Lamar, township of, Clinton County	420327	July 9, 1973, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Lower Frankfort, township of, Cumberland County	421018	Jan. 16, 1974, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Perry, township of, Snyder County	422038	May 17, 1979, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Spring, township of, Snyder County	422039	Feb. 9, 1976, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Virginia:				
Abingdon, town of, Washington County	510169	June 16, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Damascus, town of, Washington County	510170	Dec. 26, 1974, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Glade Spring, town of, Washington County	510320	Nov. 29, 1974, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Russell County, Unincorporated areas	510317	Oct. 18, 1974, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Washington County, Unincorporated areas	510168	June 23, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
West Virginia:				
Barrackville, town of, Marion County	540098	June 26, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Fairview, town of, Marion County	540100	Mar. 24, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Farmington, town of, Marion County	540101	Mar. 24, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Monongah, town of, Marion County	540104	Apr. 21, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Pax, town of, Fayette County	540032	July 8, 1975, Emerg.; Aug. 10, 1979, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date	Date ¹
Rivesville, town of, Marion County	540105	Apr. 18, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Shinnston, city of, Harrison County	540060	May 13, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Worthington, town of, Marion County	540106	May 13, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Region IV				
Florida:				
Lake Wales, city of, Polk County	120390	Nov. 4, 1982, Emerg.; Mar. 16, 1988 Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Tavares, city of, Lake County	120138	May 15, 1975, Emerg.; Mar. 16, 1988 Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Mississippi:				
Aberdeen, city of, Monroe County	280115	Jan. 31, 1974, Emerg.; Feb. 1, 1978, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Monroe County, Unincorporated areas	280275	Feb. 28, 1979, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Tennessee:				
McMinnville, city of, Warren County	470195	Jan. 15, 1974, Emerg.; Dec. 1, 1977, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Warren County, Unincorporated Area	470363	June 6, 1983, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Viola, town of, Warren County	470196	Apr. 9, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Region V				
Michigan: Cheboygan, City of, Cheboygan County	260058	June 5, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Minnesota: Renville County, Unincorporated Areas	270634	Apr. 30, 1974, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Region VI				
Louisiana:				
Broussard, Town of, Lafayette Parish	220102	July 3, 1975, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Breaux Bridge, Town of, St. Martin Parish	220180	May 8, 1973, Emerg.; Mar. 16, 1988, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Texas: Jonestown, City of, Travis County	481597	Jan. 13, 1986, Emerg.; Apr. 1, 1982, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
Region IX—Regular Conversions				
Arizona: Prescott, city of, Yavapai County	040098	Feb. 25, 1972, Emerg.; Feb. 2, 1977, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.
California: Napa, city of, Napa County	060207	July 25, 1975, Emerg.; Sept. 5, 1979, Reg.; Mar. 16, 1988, Susp.	3-16-88	Do.

¹ Date certain Federal assistance no longer available in special flood hazard areas.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Harold T. Duryee,
Administrator, Federal Insurance
Administration.

Issued: February 18, 1988.

[FR Doc. 88-3765 Filed 2-22-88; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register

Vol. 53, No. 35

Tuesday, February 23, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 401

[Amendment No. 22; Doc. No. 5048S]

General Crop Insurance Regulations; Certified Seed Potato Option

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) publishes this notice for the purpose of withdrawing a Notice of Proposed Rulemaking (NPRM) amending the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1988 crop year. FCIC has determined that insufficient time remains in which to issue a final rule adding a new § 401.131, the Certified Seed Potato Option to the General Crop Insurance Regulations.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: On Monday, November 30, 1987, FCIC published a Notice of Proposed Rulemaking in the *Federal Register* at 52 FR 45459 which proposed to issue a new § 401.131, the Certified Seed Potato Option under the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1988 crop year.

In order for the Certified Seed Potato Option to be effective for the 1988 crop year, it would have been necessary to publish a final rule by December 31, 1987. The time in which to publish the final rule and to file these regulations in the service offices has passed.

For the reasons stated above, FCIC has determined that the rule published at 52 FR 45459 should be and is hereby withdrawn.

Done in Washington, DC on February 16, 1988.

John Marshall,
Manager, Federal Crop Insurance Corporation.

[FR Doc. 88-3823 Filed 2-22-88; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 401

[Amendment No. 21; Doc. No. 5049S]

General Crop Insurance Regulations; Frost/Freeze Potato Option

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) publishes this notice for the purpose of withdrawing a Notice of Proposed Rulemaking (NPRM) amending the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1988 crop year. FCIC has determined that insufficient time remains in which to issue a final rule adding a new § 401.130, the Frost/Freeze Potato Option to the General Crop Insurance Regulations.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: On Thursday, November 19, 1987, FCIC published a Notice of Proposed Rulemaking in the *Federal Register* at 52 FR 44402 which proposed to issue a new § 401.130, the Frost/Freeze Potato Option under the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1988 crop year.

In order for the Frost/Freeze Potato Option to be effective for the 1988 crop year, it would have been necessary to publish a final rule by December 31, 1987. The time in which to publish the final rule and to file these regulations in the service offices has passed.

For the reasons stated above, FCIC has determined that the rule published at 52 FR 44402 shall be and is hereby withdrawn.

Done in Washington, DC on February 16, 1988.

John Marshall,
Manager, Federal Crop Insurance Corporation.

[FR Doc. 88-3824 Filed 2-22-88; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 401

[Amendment No. 23; Doc. No. 5045S]

General Crop Insurance Regulations; Quality Potato Option

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) publishes this notice for the purpose of withdrawing a Notice of Proposed Rulemaking (NPRM) amending the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1988 crop year. FCIC has determined that insufficient time remains in which to issue a final rule adding a new § 401.132, the Quality Potato Option to the General Crop Insurance Regulations.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: On Monday, November 30, 1987, FCIC published a Notice of Proposed Rulemaking in the *Federal Register* at 52 FR 45463 which proposed to issue a new § 401.132, the Quality Potato Option under the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1988 crop year.

In order for the Certified Seed Potato Option to be effective for the 1988 crop year, it would have been necessary to publish a final rule by December 31, 1987. The time in which to publish the final rule and to file these regulations in the service offices has passed.

For the reasons stated above, FCIC has determined that the rule published at 52 FR 45463 should be and is hereby withdrawn.

Done in Washington, DC on February 18, 1988.

John Marshall,
Manager, Federal Crop Insurance
Corporation.

[FR Doc. 88-3825 Filed 2-22-88; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 401

[Amendment No. 25; Doc. No. 5060S]

General Crop Insurance Regulations; Quota Tobacco Endorsement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) publishes this notice for the purpose of withdrawing a Notice of Proposed Rulemaking (NPRM) amending the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1988 crop year. FCIC has determined that insufficient time remains in which to issue a final rule adding a new § 401.133, the Quota Tobacco Endorsement to the General Crop Insurance Regulations.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC, 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: On Monday, November 30, 1987, FCIC published a Notice of Proposed Rulemaking in the *Federal Register* at 52 FR 45461 which proposed to issue a new § 401.133, the Quota Tobacco Endorsement under the General Crop Insurance Regulations (7 CFR Part 401), effective for the 1988 crop year.

In order for the Quota Tobacco Endorsement to be effective for the 1988 crop year, it would have been necessary to publish a final rule by December 31, 1987. The time in which to publish the final rule and to file these regulations in the service offices has passed.

For the reasons stated above, FCIC has determined that the proposed rule published at 52 FR 45461 shall be and is hereby withdrawn.

Done in Washington, DC on February 17, 1988.

John Marshall,
Manager, Federal Crop Insurance
Corporation.

[FR Doc. 88-3826 Filed 2-22-88; 8:45 am]

BILLING CODE 3140-08-M

FEDERAL ELECTION COMMISSION

11 CFR Parts 102 and 106

[Notice 1988-4]

Allocations Between Federal and Nonfederal Accounts

AGENCY: Federal Election Commission.

ACTION: Notice of inquiry; request for comment.

SUMMARY: The Commission is considering revising its regulations to provide more specificity on when expenditures by party committees, nonconnected committees and separate segregated funds must be allocated between their federal and nonfederal accounts to ensure that nonfederal funds are not improperly disbursed to influence federal elections. The Commission requests comment on the utility of allocation methods considered in the past as well as suggestions for alternative approaches. Further discussion on these proposals is provided in the supplementary information which follows.

DATE: Comments must be submitted on or before March 24, 1988.

ADDRESS: Comments must be in writing and addressed to Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463.

FOR FURTHER INFORMATION CONTACT: Ms. Susan E. Propper, Assistant General Counsel, (202) 376-5690 or Toll Free (800) 424-9530.

SUPPLEMENTARY INFORMATION: The Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431 *et seq.*, ("FECA or the "ACT") requires that all funds spent to influence federal elections come from sources permissible under the construction limitations and prohibitions of the Act unless exempted. Under the provisions of 11 CFR 102.5(a) and 106.1(e), party committees, nonconnected committees and separate segregated funds are permitted to establish separate federal and nonfederal accounts and to spend monies from these accounts to finance activities associated with both federal and nonfederal elections. The activities include voter registration, get-out-the-vote (GOTV) activities and payment of administrative or overhead expenses. However, the current regulations refer only to allocation of administrative expenses associated with each account "on a reasonable basis between their Federal and non-Federal accounts in proportion to the amount of funds expended on Federal and non-Federal elections or on another reasonable basis." 11 CFR 106.1(e).

In light of this general statement in the regulations, the United States District Court for the District of Columbia directed the Commission to revise "the Commission's regulations to ensure that any method of allocation used by state or local party committees is in compliance with the FECA * * *." *Common Cause v. FEC*, No. 86-1838, slip op. at 11 (D.D.C. Aug. 3, 1987). Accordingly, the Commission seeks public comments on the utility of allocation methods approved in the past as well as suggestions for alternate approaches. Comment is also sought on whether the Commission should specify certain allocation methods as permissible and limit committees to utilization of those methods, or in the alternative, whether the Commission should include previously approved formulas in the regulations and require advance approval of any alternative formulas a committee wishes to use.

The following discussion addresses the questions raised by allocation of administrative expenses, exempt activities and other non-exempt voter registration and GOTV expenses that result from political committee activity associated with federal and nonfederal elections.

1. Administrative Expenses

Section 106.1(e) of the Commission's regulations provides party committees and nonconnected committees with the option of allocating administrative expenses (office rent, utilities, supplies, salaries, etc.) between their federal and nonfederal accounts on a reasonable basis "in proportion to the amount of funds expended on Federal and non-Federal elections or on another reasonable basis." Separate segregated funds are not covered by this provision because their administrative costs may be paid by their connected organization. 2 U.S.C. 441b(b)(2)(C). *But see* Advisory Opinions 1984-37 and 1984-24. Although the current regulation gives political committees discretion in choosing a reasonable method to allocate administrative expenses, it does not reflect all the methods the Commission has approved for allocating such expenses between federal and nonfederal accounts.

Through its regulations and advisory opinions the Commission has approved several different methods of allocating administrative expenses. These methods are generally premised on the assumption that during years in which federal election activity occurs, the federal account must pay its fair share of overhead expenses.

One allocation method which is set forth in the regulations allocates expenses in proportion to the amount of funds spent on federal elections as compared to the amount spent on nonfederal elections. *See* 11 CFR 106.1(e). In Advisory Opinion 1982-5, the Commission determined that when allocating administrative expenses using this formula the time period on which this ratio would be based would be the current election cycle or the election cycle directly preceding the activity. Alternatively, the Commission may require that the ratio be based solely on the election cycle in which the activity takes place.

Other methods for allocation of expenses have been approved by the Commission through advisory opinions. For example, the allocable federal portion of administrative expenses for a party committee may be determined by the ratio of the total amount which the committee directly contributed to and expended on behalf of federal candidates to the total of all direct contributions to and expenditures on behalf of all candidates. The ratio is based on cumulative figures from the beginning of the year and should not include refunds or loan repayments. *See* AOs 1978-50, 1978-28, 1978-10, and Re: AOR 1976-7. It was emphasized in Advisory Opinion 1978-10 that the allocable portion of administrative expenses attributable to the federal account must be paid with funds which conform to the contribution prohibitions and limitations of the Act. *See* 2 U.S.C. 441a and 441b.

Another alternate method for allocation of expenses is determined by the number of candidates on the ballot. Under this formula expenses may be allocated in proportion to the number of federal and nonfederal candidates appearing on the official election ballot. *See* AOs 1978-50 and 1978-28.

Comment is sought on whether any or all of these approved allocation methods should be included in the regulations. Also, the Commission welcomes suggestions for other allocation methods.

2. Exempt Activities

Pursuant to provisions enacted in the 1979 FECA amendments, certain activities by state and local party committees were exempted from the Act's definition of "contribution" and "expenditure". Among the exempted activities are payments by state and local party committees to prepare and distribute slate cards, sample ballots or other printed lists naming three or more candidates for any public office; campaign materials distributed through

volunteer activities on behalf of the party's nominees in a general election; and voter registration and GOTV activities undertaken by state and local party committees on behalf of the party's nominees for President and Vice President. *See* 2 U.S.C. 431(8)(B)(v), (8)(B)(x), (8)(B)(xii) and 431(9)(B)(iv), (9)(B)(viii), (9)(B)(ix). *See also* 11 CFR 100.7(b)(9), (b)(15), (b)(17) and 100.8(b)(10), (b)(16), (b)(18).

Many of the foregoing activities include references to nonfederal as well as federal candidates. Under the Commission's current regulations, only the portion of payments for those activities that are attributable to federal candidates must be paid from funds permissible under the Act. *See* 11 CFR 100.7(b)(9), (b)(15)(ii), (b)(17)(ii) and 100.8(b)(10), (b)(16)(ii), (b)(18)(ii). As a result, party committees involved in exempt activities must develop a formula to determine what percentage of expenses for exempt activities is allocable to federal elections. To date the Commission has not issued an opinion on specific methods of allocation of expenses for exempt activities.

Therefore, the Commission seeks comment on whether one or more of the methods for allocation of administrative expenses would be appropriate for allocating expenses of exempt party activities or whether other allocation formulas should be developed. The Commission welcomes suggestions for alternative methods.

Commenters may also wish to address the court's statement that the Commission may "conclude that no method of allocation will effectuate the Congressional goal that all monies spent by state political committees on those activities permitted in the 1979 amendments be hard money under the FECA." Slip Op. at 11.

3. Other Nonexempt Activities

The Commission has required allocation in several situations other than for administrative expenses and exempt activities. Activities not covered by the contribution and expenditure exemption undertaken by party committees, nonconnected committees and separate segregated funds which relate to federal and nonfederal elections held during the same election cycle have been required to be allocated between the committees' federal and nonfederal accounts. *See* AOs 1978-102, 1978-50, 1978-28 and 1978-10.

Examples of voter registration and GOTV activities that are nonexempt include general drives urging the public to register or vote for the candidates of a particular party during a federal election

year, and other activities conducted jointly in connection with federal and state and local elections. Party committees are required to allocate the expenses of such activities between their federal and nonfederal accounts. *See* AOs 1978-50, 1978-28 and 1978-10. *See also* 11 CFR 106.1(e).

In these Advisory Opinions the Commission held that although the activities were not expressly on behalf of a particular candidate they encouraged persons contacted to vote for all the candidates of a particular party. As a result, the Commission required that expenditures for such activity be allocated in the same manner as administrative expenses on a reasonable basis under the formula in § 106.1(e). *See* AO 1978-50.

In Advisory Opinion 1978-50 the Commission determined that a reasonable allocation of federal to nonfederal expenditures would be $\frac{1}{3}$ to $\frac{2}{3}$ as reflected in Re: Advisory Opinion Request 1976-72. This ratio reflects the Commission's view that federal offices should be given proportionately more weight than state or local offices.

The Commission also considered as reasonable a committee's allocation ratio of 10%. This was based on the fact that only one seat out of 26 on the county ballot was for a federal office. *See* AO 1978-28. In this opinion the Commission determined that it was not necessary for the committee to also attribute the federal allocation as an expenditure on behalf of the party's federal candidate since the activity did not mention or identify a particular candidate for federal office.

In addition, allocation of expenses for voter registration and GOTV activities by separate segregated funds and their connected organizations has been approved by the Commission. For example, in Advisory Opinion 1978-102, a union paid for radio advertisements urging its members to vote for "Friends of the UMW". The Commission viewed this as activity affecting federal and nonfederal elections and required that an allocated portion of the costs be paid by the separate segregated fund to reflect the federal election aspect of the activity.

In this situation the Commission found that a reasonable basis for allocation would be to determine the ratio of the number of federal candidates seeking election in the areas reached by the activity to the total number of all candidates for that election year in the same area who were endorsed by the organization or its separate segregated fund. *See* AO 1978-102.

The Commission seeks comment on whether it should revise the regulations to include any or all of the aforementioned allocation methods. The Commission also welcomes suggestions for other methods of allocating expenses for nonexempt activities by party committees and separate segregated funds. Although not specifically discussed in this section, the Commission is considering drafting similar rules for nonconnected committees.

4. Reporting

The Act requires political committees to report all receipts and disbursements, 2 U.S.C. 434(b)(2) and (b)(4). However, the regulations do not require an organization with separate federal and nonfederal accounts to report any activity of the nonfederal account. Thus, only the federal portion of an allocated expense is currently reported. As a result, there is not consolidated record on the federal level of the total amount or method used when the committee is allocating between its federal and nonfederal accounts.

One difficulty with the regulations, as noted by the court, is the Commission's inability to "ensure that any method of allocation used by state or local party committees is in compliance with the FECA * * *." See Slip Op. at 11. The Commission desires comment on requiring committees to report the total amount spent on a particular allocable activity and the allocation method used.

The Commission seeks comments on whether it would be appropriate to revise the reporting requirements in this fashion. Suggestions for alternative ways to monitor allocation through reports are welcomed.

5. Payment of Allocated Expenses

The Commission is considering whether the regulations should specify how federal and nonfederal accounts should pay their share of allocable administrative, exempt and nonexempt voter registration and GOTV expenses.

The allocation and payment administrative expenses is generally easier to determine inasmuch as these costs are ongoing and easier to budget. However, exempt activity and nonexempt voter registration and GOTV expenditures present a more difficult situation since it is not always certain at the outset what the charges will be. Accordingly, the Commission seeks comment on whether there should be different methods for payment of administrative expenses versus other expenses.

In past situations the Commission has permitted a committee to draw checks to a vendor on both its federal and nonfederal accounts reflecting the allocation for a particular administrative expense or transfer funds from the federal account to the nonfederal account with instructions to write one check from the nonfederal account. See Re:AOR 1976-72.

In other circumstances the Commission has allowed committees to estimate the allocable portion of federal and nonfederal expenses and make any necessary adjustments prior to the next reporting period. See AOs 1982-5 and 1978-102.

Other possible alternatives include establishment of an escrow account into which both the federal and nonfederal accounts would pay their allocable share of committee expenses.

Comment on these alternatives as well as suggestions on other methods for paying administrative, exempt and nonexempt expenses are welcomed.

Dated: February 18, 1988.

Thomas J. Josefiak,

Chairman, Federal Election Commission.

[FR Doc. 88-3739 Filed 2-22-88; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[LR-39-87]

Electronic Filing of Notice of Federal Tax Lien

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to a notice of Federal tax lien filed by the use of an electronic or magnetic medium. These regulations are proposed to clarify existing regulations under section 6323(f) of the Code.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 25, 1988. The amendments to the regulations are proposed to be effective for a notice of Federal tax lien filed on or after February 23, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-39-87), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Lauren G. Shaw of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T), 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

These regulations propose to amend Part 301 of Title 26 of the Code of Federal Regulations to clarify that the term "Form 668" includes a notice of Federal tax lien filed by the use of an electronic or magnetic medium where the law of the state in which a notice of Federal tax lien is filed permits such method of filing.

In General

Section 6321 of the Code imposes a lien in favor of the United States whenever a person liable for any tax neglects or refuses to pay the tax after demand. For such lien to be valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor, a notice of the lien must be filed which meets the requirements of section 6323(f). Section 6323(f)(3) provides that the form and content of the notice referred to in section 6323(a) shall be prescribed by the Secretary, and that such notice is valid notwithstanding any other provision of law regarding the form or content of a notice of lien.

Notice of Lien May Be filed by the Use of an Electronic or Magnetic Medium

Section 301.6323(f)-1(c) of the regulations provides that notice of a Federal tax lien "shall be filed on Form 668, 'Notice of Federal Tax Lien under Internal Revenue Laws.'" These proposed regulations clarify that the term "Form 668" includes both a Form 668 printed on paper and a Form 668 filed by the use of an electronic or magnetic medium if the law of the state in which the notice is filed permits a notice of Federal tax lien to be filed by the use of such medium. The use of a non-paper form will not affect the decision to place a notice of lien on file and will not significantly affect the timing of issuance of a notice of lien. Rather, the use of non-paper form merely simplifies the manner of transmitting information to a state after a lien is determined to be valid and any remaining issues are resolved. Paper forms will continue to be used in states that do not permit electronic or magnetic filing.

The use of electronic or magnetic media to file a notice of tax lien will enable the Internal Revenue Service to better serve the public by (a) reducing the time it takes to notify the public that a lien exists; (b) reducing the amount of paperwork necessary to file a notice; and (c) in certain cases, eliminating or reducing the cost of filing a notice of lien, which cost is generally billed to the taxpayer.

Refiling a Notice of Lien

Section 6323(g) of the Code and § 301.6323(g)-1 of the regulations, which govern the refiling of a notice of Federal tax lien, do not require a particular form to be used in refiling a notice of Federal tax lien. Therefore, an amendment to the regulations is not necessary to allow a notice of Federal tax lien to be refiled by the use of any electronic or magnetic medium permitted by the state in which the notice is refiled.

Special Analyses

Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the Federal Register.

Drafting Information

The principal author of these proposed regulations is Lauren G. Shaw of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing

the regulations, both on matters of substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 301 are as follows:

PART 301—[AMENDED]

Paragraph 1. The authority for Part 301 is amended by adding the following citation:

Authority: 26 U.S.C. 7806 * * * Section 301.6323(f)-(1)(c) is also issued under 26 U.S.C. 6323(f)(3).

Par. 2. Section 301.6323(f)-(1)(c) is revised to read as follows:

§ 301.6323(f)-(1) [Amended]

* * * * *

(c) *Form*—(1) *In general.* The notice referred to in § 301.6323(a)-(1) shall be filed on Form 668, "Notice of Federal Tax Lien under Internal Revenue Laws". Such notice is valid notwithstanding any other provisions of law regarding the form or content of a notice of lien. For example, omission from the notice of lien of a description of the property subject to the lien does not affect the validity thereof even though State law may require that the notice contain a description of the property subject to the lien.

(2) *Form 668 defined.* The term "Form 668" generally means a paper form. However, if a State in which a notice referred to in § 301.6323(a)-(1) is filed permits a notice of Federal tax lien to be filed by the use of an electronic or magnetic medium, the term "Form 668" includes a Form 668 filed by the use of any electronic or magnetic medium permitted by that State. A form 668 must identify the taxpayer, the tax liability giving rise to the lien, and the date the assessment arose regardless of the method used to file the notice of Federal tax lien.

* * * * *

Lawrence B. Gibbs,
Commissioner of Internal Revenue.
[FR Doc. 88-3796 Filed 2-22-88; 8:45 am]
BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S-204]

Safety Standards for Excavations in the Construction Industry

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of informal public hearing; reopening of written comment period.

SUMMARY: This notice schedules an informal public hearing concerning the notice of proposed rulemaking which OSHA issued on April 15, 1987, on excavations (52 FR 12288) in the construction industry. OSHA is also reopening the comment period for the purpose of obtaining additional information on the issues set forth in this Notice.

DATES: The hearing will begin at 9:30 a.m., on April 19, 1988, in Washington, DC, and continue beyond that day as necessary. Notice of intention to appear at the informal public hearing must be postmarked by March 21, 1988. Testimony and all evidence which will be offered into the hearing record must be postmarked by April 1, 1988. Written comments must be received April 1, 1988. A tentative schedule of appearances will be prepared and distributed to parties who have submitted notices of intention to appear.

ADDRESSES: Four copies of the notice of intention to appear, and testimony and documentary evidence which will be introduced into the hearing record must be sent to Mr. Tom Hall, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8615.

Four copies of the written comments on appropriate protection for workers engaged in excavation work must be sent to the Docket Office, Docket No. S-204, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3670, 200 Constitution Avenue NW., Washington, DC 20210.

The hearing will be held in the Auditorium of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Hearing: Mr. Tom Hall, Office of

Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3634, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8615. For additional information on how to submit notices of intention to appear, see section on public participation below.

Proposal and Hearing Issues: Mr. James Foster, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3647, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8151.

SUPPLEMENTARY INFORMATION: On April 15, 1987, OSHA published a Notice of Proposed Rulemaking (NPRM) which proposed to revise the safety standards is Subpart P of 29 CFR Part 1926 for excavations in construction work (52 FR 12288). Interested persons were initially given until June 15, 1987, to comment on the proposal and request a hearing.

The comment period and the time for requesting an informal public hearing was extended to October 14, 1987 (52 FR 22799).

On August 5, 1987, OSHA consulted with the Advisory Committee on Construction Safety and Health (ACCSH) regarding the issues raised in the NPRM. OSHA had consulted with the ACCSH before publishing the proposals, but granted the committee's request for further consultation. In addition to making recommendations regarding those issues, the ACCSH suggested certain changes to the proposed regulations.

OSHA is presently evaluating the ACCSH suggestions and other public comments for possible inclusion in the revised standards. Several of these suggestions are presented below in order to generate additional information. OSHA will use that information in its evaluation of the ACCSH and public suggestions. Therefore, OSHA is reopening the comment period to enable interested persons to submit written comments on all issues raised in this Notice.

OSHA received several requests for a public hearing. Accordingly, pursuant to section 6(b)(3) of the Occupational Safety and Health Act (OSH Act), OSHA has scheduled an informal public hearing to begin on April 19, 1988, to receive testimony and other information pertinent to the issues raised in the hearing requests and at OSHA's initiative. The issues set forth below will be discussed at the hearing.

Issues

1. The following issues were raised by the ACCSH at their August 5, meeting

regarding the proposed revision of Subpart P:

- ACCSH recommended elimination of the terms "qualified person" and "qualified engineer" from the standard, and suggested that OSHA require a "registered professional engineer" for all original design work (proposed § 1926.652 (b)(3), (c)(4)), for the development of original tabulated data (proposed § 1926.652(c)(3)(ii)), and for determinations regarding the stability of adjacent structures (proposed § 1926.651(i)(2) (iii) and (iv)). "Registered Professional Engineer" would be defined as "a person who has attained through engineering education and experience a special knowledge of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design, and is registered as a professional engineer in the state where work is to be performed." (In considering this recommendation OSHA notes that the proposal as currently drafted requires a "qualified person" ¹ or a "qualified engineer" to design the protective systems used against cave-ins, but only if the employer chooses not to comply with the specific protective measures set forth in § 1926.652 (b) and (c).)

The Committee's position on when a registered professional engineer would be necessary was summarized by Dr. Jack Mickle, speaking at the meeting as a consultant to the Committee and an expert on soil mechanics. Dr. Mickle states " * * * probably we're talking only about one one hundredth of percent of [all excavations]—with all the options that are in here [the proposal] it is virtually unnecessary to call upon a professional engineer unless it is a very special situation, in which case, I can't imagine a company, knowledgeable company, that would even attempt to do something in extremely special conditions without a Registered Professional Engineer." [Tr. p. 460]

OSHA is considering, in the final rule, whether or not it should adopt the Committee's position, namely, requiring a registered professional engineer for design [Tr. p. 520], data tabulations [Tr. p. 476] and stability determination [Tr. p. 508] for special situations or unusual conditions, i.e., when the use of other options is not appropriate or viable.

If this change is implemented, it does not mean that an engineer would be required to design the protective system

¹ A qualified person is defined in the existing 29 CFR 1926.32(1) as "one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to solve or resolve problems relating to the subject matters, the work, or the project."

for every trench or excavation. It means that an engineer would be required only in situations in which the employer chooses not to comply with any of the specific measures set forth in the options delineated in § 1926.652 (b) and (c).

- ACCSH recommended that structural ramps *used solely by employees* for access and egress be designed by a competent person.

- ACCSH recommended that all plans, tabulated data, manufacturers' data, etc., used to build protective systems be kept on site as long as the excavation is open.

- ACCSH recommended that all excavations greater than four feet in depth be treated as confined spaces, which would require employee training (§ 1926.21(b)(6)(i)) among other actions.

- ACCSH recommended that "short term excavations" be defined as those open for not longer than one work shift.

- ACCSH suggested that OSHA use, or at least reference, the United Soil Classification System (USCS) (see Exhibit 4-17), ASTM definitions found in ASTM D653 (see Exhibit 2-27), and tests found in ASTM 2487 (see Exhibit 2-26), in Appendix A.

OSHA solicits public comment and testimony on the above ACCSH recommendations.

2. Some commenters recommended that OSHA allow contractors to comply with the sloping and shoring requirements of the State of California (See Exhibit 4-106 attachment), which are, in some instances, less stringent than those in the proposal. OSHA believes that the more stringent requirements set forth in the proposal are necessary to assure so far as possible safe working conditions for employees who work in trenches and excavations. OSHA solicits public input on this issue.

3. Several commenters recommended that OSHA delete the requirements for a support or shield system for the vertical sided position of excavation using the compound slope configuration shown in proposed Figure B-1-4. OSHA believes this suggested change to be hazardous because the lateral pressures on the unshored portion (due to the weight of the soils) increased the likelihood of cave-in. However, public comment is requested on this issue.

4. OSHA received one request for a hearing from an employer requesting that companies who are subject to regulation by the Office of Pipeline Safety (OPS) of the U.S. Department of Transportation be exempted from OSHA's excavation regulations. The Agency believes this issue to be

essentially a legal matter, regarding the scope of section 4(b)(1) of the OSH Act. However, OSHA solicits public comments and testimony on the degree to which OPS regulations apply to workplaces which are also covered by the OSHA proposal, and the extent to which OPS regulations address working conditions in excavations.

Public Participation.

Comments. Interested persons who do not intend to participate in the informal public hearings are invited to submit written comment on the issues raised in this Notice. Written comments must be postmarked by April 1, 1988. Four copies of these comments must be submitted to the Docket Office, Docket No. S-204, U.S. Department of Labor, Occupational Safety and Health Administration, Room N-3670, 200 Constitution Avenue, NW., Washington, DC 20210. The telephone number of the Docket Office is (202) 523-7894. All materials submitted will be available for inspection and copying at the above address.

Notice of intention to appear. Persons desiring to participate at the hearing must submit a notice of intention to appear, postmarked no later than March 21, 1988. The notice of intention to appear must contain the following information:

1. The name, address and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The specific issues that will be addressed;
5. A detailed statement of the position that will be taken with respect to each issue addressed; and
6. Whether the party intends to submit documentary evidence and, if so, a detailed summary of the evidence.

Filing of Testimony and Evidence Before the Hearing. Any party requesting more than 10 minutes for presentation at the hearing, or who will submit documentary evidence, must provide, in quadruplicate, the complete text of testimony, including all documentary evidence to be presented at the hearing. These materials must be sent to Mr. Tom Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Office of Information and Consumer Affairs, Room N3647, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-8615, and must be postmarked no later than April 1, 1988.

Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In

instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact prior to the hearing.

Any party who has not substantially complied with the above requirement may be limited to a 10 minute presentation, and may be requested to return for questioning at a later time.

Any party who has not filed a notice of intention to appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge, but will not be allowed to question witnesses.

Notices of intention to appear, testimony and evidence will be available for inspection and copying at the Docket Office, Docket No. S-204, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3670, 200 Constitution Avenue, NW., Washington, DC 20210 (202) 523-7894.

The hearing will commence at 9:30 a.m. on April 19, 1988, in the Auditorium of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. The hearing will begin with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary and appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911, including the power:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections and comparable matters;
3. To confine the presentation to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. In the Judge's discretion, to question and permit questioning of any witness; and
6. In the Judge's discretion, to keep the record open for a reasonable time to receive written information and additional data, views and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health. The notice of proposed rulemaking will be reviewed in light of all testimony and written submissions received as part of the record, and a determination will be made to modify or not to modify the

proposed requirements based on the entire record of the proceeding.

Authority

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. It is issued under section 6 of the Occupational Safety and Health Act (29 U.S.C. 655), section 107 of the Contract Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333), Secretary of Labor's Order No. 9-83 (48 FR 35736), and 29 CFR Part 1911.

Signed at Washington, DC, this 17th day of February 1988.

John A. Pendergrass,

Assistant Secretary of Labor.

[FR Doc. 88-3733 Filed 2-22-88; 8:45 am]

BILLING CODE 4510-26-M

POSTAL SERVICE

39 CFR Part 111

Unauthorized Use of Postage Meters

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This document republishes for further comment a portion of a previously published proposal, to require mailers preparing metered mail for others to furnish certain additional information with the mailing. The information is needed to help curb unauthorized use of postage meters, which has resulted in serious revenue losses.

DATE: Comments must be received on or before April 25, 1988.

ADDRESS: Written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, Rates and Classification Department, Room 8430, 475 L'Enfant Plaza West SW., Washington, DC 20260-5365. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 8430, at the above address.

FOR FURTHER INFORMATION CONTACT: F.E. Gardner, (202) 268-5178.

SUPPLEMENTARY INFORMATION: On June 23, 1987, the Postal Service published a proposed rule, which, among other things, would require mailers preparing metered mail for others to list the meter serial numbers, meter holders, number of pieces-mailed, and rate per piece for

each meter used in the mailing. 52 FR 23561. (Other portions of the proposed rule are adopted in a separate document in today's issue.) The required information would be extremely useful in efforts to curb the unauthorized use of postage meters, which has resulted in revenue losses estimated at \$30 million over two years. Although many adverse comments were received on this part of the proposal, those comments generally either failed to explain and support that opposition or relied on assumptions which are incorrect or were not persuasively developed. Since the Postal Service is still convinced that this part of the proposal is much needed, but would like to have a better appreciation of any factors which make it unduly burdensome or compromise its effectiveness, we have decided to republish it for an additional comment period and will re-evaluate it based upon the further comments received.

The adverse comments on the initial publication essentially argued that the required information would be unduly burdensome both to mailers and the Postal Service, and a duplication of information already available in post offices. Most of the comments were identical in content, with multiple responses being received from some of the same commenters. The burden to the mailers was considered to be such that presorting of metered mail might no longer be of any value. The commenters did not consider the proposal to be cost effective for the Postal Service, in view of the additional personnel and time thought to be required to receive, review, cross reference, audit and store the documentation. Many commenters considered the proposed rule a duplication of current procedures in 144.224 and 144.231 of the Domestic Mail Manual.

These comments are mistaken. There is no duplication. The sections they cite pertain to six-month examinations of customers' meters by the Postal Service, procedures for revoking a meter license when a meter is used in operating any scheme or enterprise of an unlawful character or for nonuse during any consecutive 12 months, or for any failure of the licensee to comply with regulations governing the use of postage meters. The proposed rule calls for precise information on meter serial numbers, meter holders' names, pieces mailed and rate per piece—information not presently available to the Postal Service.

The Postal Service also has no reason to think that the proposed rule would be burdensome to mailers, because the information is or should be available in

the normal course of business between meter users and commercial mailers who prepare metered mail that is not their own or is not metered with their meter. The burden to the Postal Service is negligible in view of the potential for loss and the fact that the records are only intended to provide an audit trail, as needed. These records are necessary to provide documentation to properly audit meter usage versus mail volume.

The Postal Service considers recent revenue losses from unauthorized use of postage meters to be an unacceptable situation which cannot be allowed to continue. Further steps must be taken to address this serious problem. Comments on the steps proposed in this republication would be helpful so long as they include detailed, substantive support for the positions taken, whether pro or con, or suggest viable alternatives to resolve the problem of postage meter revenue losses.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites additional public comment on the following proposed amendment of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 5001.

2. Amend 144 as follows:

144 POSTAGE METERS AND METER STAMPS

* * * * *

144.5 Mailings.

.51 Preparation.

* * * * *

.513 Commercial mailers who prepare mail, metered with their own meters, others' meters, or a combination of both, must provide a listing of manifest on either a Form-PCX or equivalent format, of the meter serial numbers, meter holder's name, number of pieces mailed, and rate per piece for each meter used in preparing the mailing. This information must be submitted with the Form 3602-PC, *Statement of Mailing Bulk Rates*, for each mailing. This listing or manifest is required for all such mailings including full First-Class rate mailings.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 88–3719 Filed 2–22–88; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87–186; RM–5671]

Radio Broadcasting Services; South Thomaston, ME

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document dismisses a petition filed by Kollen Dodge, requesting the allotment of FM Channel 248A to South Thomaston, Maine. No supporting comments for Channel 248A to South Thomaston, Maine, were received from the petitioner or any other party in this proceeding. As stated, continuing interest is required before a channel will be allocated. Therefore, in accordance with the Commission's policy, no further consideration will be given to the allocation of FM Channel 248A to South Thomaston, Maine. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–186, adopted January 14, 1988, and released February 10, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-3647 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-29, RM-5798]

Radio Broadcasting Services; Anchorage, AK

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Korlyn Broadcasting, Inc., permittee of Station KXDZ(FM), Anchorage, Alaska, requesting the substitution of Channel 277C2 for Channel 276A and modification of the permit accordingly.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: J. Richard Carr, Esq., Janet S. Willy, Esq., Dempsey & Koplovitz, 1401 New York Avenue NW., Suite 630, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-29, adopted January 14, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments.

See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-3749 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-30, RM-6115]

Radio Broadcasting Services; Pueblo, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Sunbrook Broadcasting, Inc., proposing the substitution of FM Channel 296C2 for Channel 296A at Pueblo, CO, and modification of the license of Station KUSN(FM) accordingly.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Clifford M. Harrington and John Joseph McVeigh, Esqs., Fisher, Wayland, Cooper & Leader, 1255-23d St., NW., Suite 800, Wash., DC 20037.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-30, adopted January 14, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-3750 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-622, RM-5844]

Radio Broadcasting Services; Pueblo, CO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by SurCo of Pueblo, Inc., proposing the substitution of FM Channel 264C for Channel 264C1 at Pueblo, Colorado, and modification of the license of Station KATM-FM accordingly.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Robert A. Marmet, Esq. and Harold K. McCombs, Jr., Esq., Marmet and McCombs, 1822 Jefferson Pl., NW., Wash., DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-622, adopted December 22, 1987 and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also

be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,
Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.

[FR Doc. 88-3751 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-32, RM-6029]

Radio Broadcasting Services; Linton, IN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Linton Broadcasting Company, Inc., proposing the substitution of FM Channel 227B1 for Channel 228A at Linton, Indiana and modification of its license for Station WQTY(FM) to specify operation on Channel 227B1.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Linton Broadcasting Company, Inc., P.O. Box 231, Linton, Indiana 47441 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-32, adopted January 21, 1988, and

released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,
Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.

[FR Doc. 88-3752 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-22, RM-6114]

Radio Broadcasting Services; Lobelville, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Coleman Broadcasting Company, Inc. licensee of Station WIST(FM), proposing the substitution of Class C2 Channel 233 for Channel 232A at Lobelville and modification of its station's license to specify operation on the higher class channel. The Coordinates for the specified site are 35-46-21 and 87-52-05, which is the station's current transmitter site. The proposal could provide Lobelville with its first wide coverage area FM station.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In

addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: William R. Coleman, Jr., Coleman Broadcasting Company, Inc., 127 Main Street, P.O. Box 460, Lobelville, Tennessee 37097 (Petitioner).

FOR FURTHER INFORMATION CONTACT:

Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-22 adopted January 14, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,
Chief, Allocations Branch Mass Media
Bureau.

[FR Doc. 88-3758 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-33, RM-6156]

Radio Broadcasting Services; Austin and Yoakum, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Clear Channel Communications, Inc., licensee of Station KPEZ(FM), Channel 272A at

Austin, Texas, proposing the substitution of Channel 272C2 for Channel 272A and modification of its license to specify operation on the higher class co-channel. A site restriction of 8.4 kilometers (5.2 miles) southwest of the city is required. In addition, in order to accomplish this substitution Station KYOC(FM) at Yoakum, Texas, must change channels from 272A to 223A. A site restriction of 8.4 kilometers (5.2 miles) north of that community is required. Concurrence of the Mexican government must be obtained.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: William K. Keane, Esquire, Rebecca L. Dorch, Esquire, Wilner & Schneiner, 1200 New Hampshire Ave., NW., Suite 300, Washington, DC 20036 (Counsels for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-33, adopted January 22, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of the decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.
Mark N. Lipp,
Chief, Allocations Branch, Mass Media Bureau.
[FR Doc. 88-3746 Filed 2-22-88; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-34, RM-6086]

Radio Broadcasting Services; Llano, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by KLKM Radio, permittee of FM Station KLKM(FM), Channel 285A, Llano, Texas, proposing the substitution of intermediate frequency Channel 231C2 for Channel 285A and the modification of its construction permit to specify operation on the new frequency, as that community's first wide coverage area FM station. A site restriction of 21.9 kilometer (13.6 miles) north of Llano is required. The coordinates for the site specified by the petitioner are 30-56-15 and 98-45-00. In addition, the proposal requires concurrence from the Mexican government.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: John B. Kenkel, Esquire, Kenkel, Barnard, & Edmundson, 1220 19th Street NW., #202, Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-34, adopted January 22, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.
Mark N. Lipp,
Chief, Allocations Branch, Mass Media Bureau.
[FR Doc. 88-3747 Filed 2-22-88; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-23, RM-6106]

Radio Broadcasting Services; Ashland, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Bay Broadcasting, Corp., licensee of Station WJJH(FM), proposing the substitution of Class C2 Channel 244 for Channel 244A at Ashland and modification of its station's license to specify operation on the higher class co-channel. The petitioner's current transmitter site (46-34-23 and 90-51-56) has been identified as the proposed site. The proposal could provide that community with a first wide coverage area FM station. Concurrence by the Canadian government must be obtained.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Jerrold Miller, Esquire, Miller & Fields, P.C., P.O. Box 33003, Washington, DC 20033 (Counsel for petitioner); and Bay Broadcasting Corp., Route 2, Box 63, Ashland, WI 54806 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of

Proposed Rule Making, MM Docket No. 88-23, adopted January 14, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-3748 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-28, RM-5896]

Radio Broadcasting Services; Weed, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Florence M. Gaskey, proposing the substitution of FM Channel 272C1 for Channel 265A at Weed, California, and modification of her license for Station KWHO(FM), accordingly, to provide that community with its first wide coverage area FM service.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Roger J.

Metzler, Esq., Farrand, Cooper, Metzler & Bruiniers, P.O. Box 7329, San Francisco, CA 94120.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-28, adopted January 14, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau

[FR Doc. 88-3757 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-27, RM-6041]

Radio Broadcasting Services; Howland, ME

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Robert J. Cole, proposing the allocation of FM Channel 280A to Howland, Maine, as that community's first FM broadcast service. Concurrence of the Canadian government will be required for the allotment of Channel 280A at Howland.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert J. Rini, Stambler & Rini, 1901 L Street NW., Washington, DC 20036 (Counsel for the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-27, adopted January 14, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-3753 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-26, RM-6031]

Radio Broadcasting Services; Port Sanilac, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by D.C. Schaberg, proposing the allocation of FM channel 225A to Port Sanilac, Michigan, as that community's first FM broadcast service. There is a site restriction 10 kilometers (6.2 miles) west of the community and concurrence of the Canadian government will be required for this allocation.

DATES: Comments must be filed on or before April 8, 1988, and reply comments on or before April 25, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner or its counsel or consultant, as follows: D.C. Schaberg, 6250 S. Cedar #12B001, Lansing, Michigan 48911-5715.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-26, adopted January 14, 1988, and released February 16, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-3755 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-31, RM-5848]

Radio Broadcasting Services, Moscow, OH

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Richard L. Plessinger, Sr., which proposes to allot Channel 298A to Moscow, Ohio, as its first FM service.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Richard L. Plessinger, Sr., 1591 Boyle Road, Hamilton, Ohio 45013-1899.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-31, adopted January 15, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-3754 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-25, RM-6126]

Radio Broadcasting Services; Rural Retreat, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Highlands Broadcasting, Inc., proposing the allotment of Channel 276A to Rural Retreat, Virginia, as that community's first local FM service. A site restriction of 3.5 kilometers (2.2 miles) east of the city is required. The coordinates for the site are 36-53-39 and 81-14-20.

DATES: Comments must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Peter Gutmann, Esquire, Pepper & Corazzini, 1776 K Street, NW., Washington, DC 20006 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-25, adopted January 14, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 88-3756 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-24, RM-6092]

Radio Broadcasting Services; West Pasco or Pasco, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by West Pasco Fine Arts Radio, proposing the allotment of Channel 267A to West Pasco or Pasco, Washington, as either a first or second FM service, respectively. Issues have been raised as to the community status of West Pasco. Therefore, petitioner has been requested to demonstrate, in its comments, that West Pasco is a community for allocation purposes or alternatively consider the proposed allotment at Pasco. A site restriction of 2.4 kilometers (1.5 miles) west of Pasco is required. The coordinates for the site are 46-13-41 and 119-07-32. Concurrence by the Canadian government is required.

DATES: Comment must be filed on or before April 4, 1988, and reply comments on or before April 19, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Thomas Wilmot Read, Read & Read, Box 8238, Spokane, Washington 99203 (Consultant to petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-24, adopted January 14, 1988, and released February 12, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in CFR 47 Part 73

Radio Broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 88-3759 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 22

[General Docket No. 85-388; [RM 5167]; FCC 86-449]

Applications To Serve Rural Service Areas

AGENCY: Federal Communications Commission (FCC).

ACTION: Proposed rule; correction.

SUMMARY: The Federal Communications Commission is correcting the preamble to a Notice previously published in the *Federal Register*, 53 FR 5020, February 19, 1988, to include the following statements of supplementary information which were inadvertently omitted.

FOR FURTHER INFORMATION CONTACT: David H. Siehl, Tele: 202-632-6450.

SUPPLEMENTARY INFORMATION: The collection of information requirement contained in this proposed rule has been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act. Persons wishing to comment on this collection of information requirement should direct their comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for Federal Communications Commission.

Federal Communications Commission.

H. Walker Feaster,

Secretary.

[FR Doc. 88-3898 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 53, No. 35

Tuesday, February 23, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Regulation; Public Meeting

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Regulation of the Administrative Conference of the United States. The committee will meet to discuss consultants Clayton P. Gillette and Thomas D. Hopkins' project on "Federal Agency Valuations of Human Life."

DATE: Monday, March 14, 1988 at 10:00 a.m.

Location: Steptoe and Johnson, 4th Floor Conference Room, 1330 Connecticut Avenue, NW., Washington, DC.

Public Participation: Attendance at the committee meeting is open to the public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days in advance of the meeting. The committee chairman may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with a committee before, during, or after a meeting. Minutes of the meeting will be available upon request.

FOR FURTHER INFORMATION CONTACT: Sara Gordon, Staff Attorney, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, DC 20037. Telephone: (202) 254-7020.

Jeffrey S. Lubbers,
Research Director.

February 18, 1988.

[FR Doc. 88-3737 Filed 2-22-88; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Chevron USA and Fina Oil and Chemical Co.; Applications for Permit To Drill Exploratory Oil and Gas Wells on the Lewis and Clark National Forest, Great Falls, MT; Amended Notice of Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service as lead agency and the Department of Interior, Bureau of Land Management as cooperating agency, will prepare an environmental impact statement combining the analyses of two proposals to drill exploratory oil and gas wells on the Rocky Mountain Ranger District, Lewis and Clark National Forest.

Chevron USA, Denver, Colorado filed an application for a permit to drill an exploratory well on lease #M-25173. The proposed well site is located in the SW 1/4, NE 1/4 of section 35, T29N, R12W, Pondera County, Montana.

Fina Oil and Chemical (Fina), Oklahoma City, Oklahoma filed an application for a permit to drill an exploratory well on lease #M-53323. The proposed well site is located in the SW 1/4, NE 1/4 of section 26, T30N, R13W, Glacier County, Montana.

This Notice of Intent replaces a previous notice dated March 10, 1986. The previous notice announced the Forest Service's intent to prepare an Environmental Impact Statement for only the Chevron USA analysis. This amended notice announces the Forest Service's intent to combine the analyses for both the Chevron and the Fina proposals.

A range of alternatives for these proposals will be considered. One alternative will be the no action alternative. Other alternatives will analyze approval of the permit considering different access means and/or route locations and examining scenarios using different timing and location guidelines to protect surface resources.

Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed projects are invited to participate in the scoping process. This process will include:

1. Identification of potential issues.

2. Identification of issues to be analyzed in depth.

3. Elimination of insignificant issues or those which have been covered by a previous environmental review.

4. Determination of potential cooperating agencies and assignment of responsibilities.

The Fish and Wildlife Service, Department of the Interior, will be informally consulted throughout the analysis. To meet the requirements of the Endangered Species Act, the Fish and Wildlife Service will review the EIS and biological evaluation and if necessary, render a formal Biological Opinion on the effects of Threatened and Endangered Species, including one on the grizzly bear and gray wolf.

The responsible officials are: John D. Gorman, Lewis and Clark National Forest Supervisor and Doug Burger, Great Falls Resource Area Manager for the Bureau of Land Management.

The public is invited to comment. Submit written comments by March 25, 1988, to John D. Gorman, Forest Supervisor, Lewis and Clark National Forest, P.O. Box 871, Great Falls, Montana 59403.

The analysis is expected to take about 12 months. A draft environmental impact statement is expected to be available for public review by January 1989. A final environmental impact statement is scheduled to be completed by April 1989.

Questions about the proposed actions and environmental impact statement should be directed to Norman Yogerst, Team Leader, Lewis and Clark National Forest, P.O. Box 871, Great Falls, MT. 59403. Phone (406) 791-7700.

Date: February 16, 1988.

John D. Gorman,

Forest Supervisor.

[FR Doc. 88-3785 Filed 2-22-88; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Bowman Gray School of Medicine of Wake Forest University, et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the

Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No.: 88-003. Applicant: Bowman Gray School of Medicine of Wake Forest University, Winston-Salem, NC 27103. **Instrument:** Electron Microscope, Model CM-30. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 52 FR 43219, November 10, 1987. **Instrument Ordered:** March 9, 1987.

Docket No.: 88-007. Applicant: Harvard University, Massachusetts General Hospital, Boston, MA 02114. **Instrument:** Electron Microscope, Model CM 10/PC. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 52 FR 43219, November 10, 1987. **Instrument Ordered:** June 11, 1987.

Docket No.: 88-009. Applicant: Mayo Foundation, Rochester, MN 55905. **Instrument:** Electron Microscope, Model CM 12/S. **Manufacturer:** N.V. Philips, The Netherlands. **Intended Use:** See notice at 52 FR 46639, December 9, 1987. **Instrument Ordered:** June 23, 1987.

Docket No.: 88-012. Applicant: U.S. Department of Agriculture, Salinas, CA 93905. **Instrument:** Electron Microscope, Model EM 109. **Manufacturer:** Carl Zeiss, West Germany. **Intended Use:** See notice at 52 FR 43220, November 10, 1987. **Instrument Ordered:** September 30, 1987.

Docket No.: 88-017. Applicant: Veterans Administration Medical Center, Palo Alto, CA 94304-1290. **Instrument:** Electron Microscope, Model JEM-100CX. **Manufacturer:** JEOL, Ltd., Japan. **Intended Use:** See notice at 52 FR 46640, December 9, 1987. **Instrument Ordered:** August 7, 1987.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either

at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 88-3798 Filed 2-22-88; 8:45 am]

BILLING CODE 3510-DS-M

U.S. Environmental Protection Agency, Las Vegas, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No.: 88-016. Applicant: U.S. Environmental Protection Agency, Las Vegas, NV 89193-3478. **Instrument:** Borehold Conductivity Probe, Model EM-39 with Accessories. **Manufacturer:** Geonics, Ltd., Canada. **Intended Use:** See notice at 52 FR 46639, December 9, 1987. **Reasons for This Decision:** The foreign instrument provides for in situ measurement of conductivity in milliohms per meter.

Docket No.: 88-018. Applicant: Georgia Institute of Technology, Atlanta, GA 30332. **Instrument:** High Intensity Rotating Anode X-Ray Generator. **Manufacturer:** Rigaku Corporation, Japan. **Intended Use:** See notice at 52 FR 46640, December 9, 1987. **Reasons for This Decision:** The foreign instrument provides high power density (12.0 kilowatts per square millimeter) and a small spot size (0.1 × 1.0 millimeter).

Comments: None Received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States. The capability of each of the foreign instruments described above is pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 88-3799 Filed 2-22-88; 8:45 am]

BILLING CODE 3510-DS-M

Woods Hole Oceanographic Institution; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No.: 87-108. Applicant: Woods Hole Oceanographic Institution, Woods Hole, MA 02543. **Instrument:** Automated Langmuir-Blodgett Film Apparatus, Model KSV 2200. **Manufacturer:** KSV Chemicals Oy, Finland. **Intended Use:** See notice at 52 FR 8495, March 18, 1987.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a sensitivity of 10 μ N/m throughout the surface pressure range of 0-100m N/m in determining the dynamic and kinetic properties of Langmuir-Blodgett films on seawater. The National Oceanic and Atmospheric Administration advises in its memorandum dated May 5, 1987 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.
[FR Doc. 88-3800 Filed 2-22-88; 8:45 am]

BILLING CODE 3510-DS-M

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Open Meeting

A meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held March 15, 1988 at 9:30 a.m., Herbert C. Hoover Building, Room B-841, 14th Street and Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls

applicable to computer peripherals and related test equipment or technology.

Agenda

General Session

1. Introduction of Members and Visitors.
3. Introduction of Invited Guests.
4. Presentation of Papers or Comments by the Public.
5. Review of Committee Open Items.
6. Presentation on Graphic Displays and Workstations by Tektronix, Inc.
7. Clarification of G-COM/GFW Parameters for Peripheral Devices.
8. Presentation on Manufacturing of Disk Drive Media by Mountain Computers.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written comments may be submitted at any time before or after the meeting and can be directed to: Ruth D. Fitts, Technical Support Staff, Office of Technology & Policy Analysis, Room 4086, 14th and Constitution Avenue NW., Washington, DC 20230.

For further information or copies of the minutes call Ruth D. Fitts, 202-377-4959.

Date: February 16, 1988.

Betty A. Ferrell,

Acting Director, Technical Support Staff,
Office of Technology and Policy Analysis.

[FR Doc. 88-3781 Filed 2-22-88; 8:45 am]

BILLING CODE 3510-DT-M

Minority Business Development Agency

[Transmittal No. 06-10-88011-01; Project I.D. No. 03-10-88011-01]

Oklahoma City Minority Business Development Center (MBDC) Program; Solicitation of Applications

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a three (3) year period, subject to available funds. The cost of performance for the first twelve (12) months is estimated at \$194,118 for the project's performance period of August 1, 1988 to June 30, 1989. The MBDC will operate in the Oklahoma City Standard Metropolitan Statistical Area (SMSA).

The first year's cost for the MBDC will consist of:

Name	Federal	Non-federal	Total
Oklahoma City SMSA	\$165,500	\$29,118	\$194,118

¹ Can be a combination of cash, in-kind contribution and fees for service.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian Tribes and educational institutions.

The MBDC will provide management and technical assistance (M&TA) to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance (M&TA); and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance (M&TA); the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA, based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

CLOSING DATE: The closing date for receipt of application is March 31, 1988.

ADDRESS: MBDA—Dallas Regional Office, 1100 Commerce Street, Suite 7B23, Dallas, Texas 75242-0790

FOR FURTHER INFORMATION, CONTACT: Deselene Crenshaw, Acting Business Development Clerk, Dallas Regional Office, 214/767-8001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

A pre-bid conference will be held in Dallas on March 11, 1988 at 1:00 p.m. Conference site information may be obtained by contacting the individual designated above.

Additional RFAs will be available at the conference site.

Melda Cabrera,

Regional Director, Minority Business Development Agency, Dallas Regional Office.

Section B. Project Specification

Program Number and Title: 11.800 Minority Business Development.

Project Name: Oklahoma City MBDC.

Project Identification Number: 06-10-88011-01.

Project Start and End Dates: 07/01/88 to 06/30/89.

Project Duration: 12 months.

Total Federal Funding (85%): \$165,000.

Minimum Non-Federal Share (15%): \$29,118.

Total Project Cost (100%): \$194,118.

Closing Date for Submission of this Application: March 31, 1988.

Geographic Specification: The Minority Business Development Center shall offer assistance in the geographic area of: Oklahoma City, Oklahoma.

Eligibility Criteria: There are no eligibility restrictions for this project. Eligible applicants may include individuals, non-profit organizations, for-profit firms, local and state governments, American Indian Tribes, and educational institutions.

Project Period: The competitive award period will be for approximately three years consisting of three separate budget periods. Performance evaluations will be conducted, and funding levels will be established for each of three budget periods. The MBDC will receive continued funding, after the initial competitive year, at the discretion of MBDA based upon the availability of funds, the MBDC's performance, and Agency priorities.

MBDA's minimum level of effort:

Financial packages \$2,747,000.

Billable M&TA \$84,000.

Number of Professional Staff 3.

Procurements \$5,493,000.

M&TA Hours 1,680.

Number of Clients 76.

[FR Doc. 88-3734 Filed 2-22-88; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Amended Meeting Notice

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The date and time for the public meeting of the Pacific Fishery Management Council's Pacific Whiting Joint Venture Policy Committee, as published previously in the *Federal Register* (53 FR 3908, February 10, 1988), has been changed as follows:

From—February 23, 1988, at 1 p.m.

To—March 1, 1988, at 10 a.m.

All other information as originally published remains unchanged.

For further information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, 2000 SW. First Avenue, Suite 420, Portland, OR 97201; telephone: (503) 221-6352.

Date: February 17, 1988.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 88-3854 Filed 2-22-88; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Reestablishment of the Blue Ribbon Panel on Sizing DoD Medical Treatment Facilities

SUMMARY: Under the provisions of Pub. L. 92-463, "Federal Advisory Committee Act," notice is hereby given that the Blue Ribbon Panel on Sizing DoD Medical Treatment Facilities has been determined to be in the public interest and has been reestablished.

The Blue Ribbon Panel is being reestablished to reconsider criteria for sizing DoD medical treatment facilities in the San Antonio, Texas area, and to determine whether programs should be developed to increase the capabilities of the DoD medical treatment facilities or rely more on civilian facilities. Panel membership will be essentially the same, thereby ensuring that balanced viewpoints from recognized leaders in the relevant health disciplines and different health sectors will be obtained.

The expected duration of the Blue Ribbon Panel's activities will be one year. The Panel will meet regularly to achieve its objectives.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

February 17, 1988.

[FR Doc. 88-3769 Filed 2-22-88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board; Advisory Committee Meetings

SUMMARY: The Defense Science Board will meet in closed session on July 17-29, 1988 at the US Air Force Academy, Colorado Springs, Colorado.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At that time the Board will examine the substance, interrelationships, and the U.S. national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense and Under Secretary of Defense for Acquisition. The subject areas are: Assured Military Use of Space, Countering Soviet Fire Support, and Defense Industrial and Technology Base. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under Secretary of Defense for Acquisition, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer,

February 17, 1988.

[FR Doc. 88-3770 Filed 2-22-88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board 1988 Summer Study on Assured Military Use of Space; Advisory Committee Meetings

SUMMARY: The Defense Science Board 1988 Summer Study on Assured Military Use of Space will meet in closed session on April 6-7, May 11-12, June 8-9, and July 12-13, 1988 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will consider and make recommendations relative to future

Assured Military Use of Space, with specific interest toward the continuity of military space operational capabilities through the entire spectrum of conflict.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly these meetings will be closed to the public.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

February 17, 1988.

[FR Doc. 88-3771 Filed 2-22-88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board 1988 Summer Study on Countering Soviet Fire Support Systems; Advisory Committee Meetings

SUMMARY: The Defense Science Board 1988 Summer Study on Countering Soviet Fire Support Systems will meet in closed session on March 22-23, April 20-21, May 16-17, and June 1-2, 1988 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will examine and make recommendations regarding US capabilities to counter these systems effectively.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

February 17, 1988.

[FR Doc. 88-3772 Filed 2-22-88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Technological and Operational Surprise; Advisory Committee Meetings

SUMMARY: The Defense Science Board Task Force on Technological and Operational Surprise in the US-Soviet

Military Competition will meet in closed session on April 7-8 and May 3-4, 1988 at the DIAC Building, Bolling AFB, Washington, DC.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will evaluate the potential for technological and operational surprise in the U.S.-Soviet military competition.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

February 17, 1988.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 88-3773 Filed 2-22-88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Follow-on Forces Attack; Change in Date of Advisory Committee Meeting

SUMMARY: The meeting of the Defense Science Board Task Force on Follow-on Forces Attack scheduled for February 8-9, 1988 as published in the *Federal Register* (Vol. 52, No. 242, Page 47958, Thursday, December 17, 1987, FR Doc. 87-28979) will be held on April 11-12, 1988.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

February 17, 1988.

[FR Doc. 88-3774 Filed 2-22-88; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

February 19, 1988.

The USAF Scientific Advisory Board Ad Hoc Committee on Integrated Avionics will meet at the Pentagon, Washington DC, March 9 through March 11, 1988.

The purpose of these meetings is to receive briefings and discuss technology issues relevant to Air Force requirements for integrated avionics.

This meeting will involve discussions of classified defense matters listed in section 552b (c) of Title 5, United States

Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 88-3842 Filed 2-22-88; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10a(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Dates of the Meeting: 15-17 March 1988

Times of Meeting: 0900-1600 hours
Place: The Pentagon, Washington, DC
Agenda: The Army Science Board will conduct an Independent Assessment of proposed strategies for meeting Army needs on the AirLand Battlefield. The meetings will consist of classified briefings by the Army on ADA requirements, multi-mission needs, and proprietary industrial briefings. The desired outcome of this meeting is to provide assessment results and recommendations by mid-April to the Army Acquisition Executive. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 88-3724 Filed 2-22-88; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

Direct Grant Programs; Applications Review

AGENCY: Department of Education.

ACTION: Notice for individuals interested in reviewing applications submitted under direct grant programs administered by the Office of Bilingual Education and Minority Languages Affairs.

SUMMARY: Director of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA), Department of Education (ED), invites interested individuals to apply to serve as Field Readers for programs administered by OBEMLA. OBEMLA administers programs authorized by the Bilingual Education Act 20 U.S.C. 3221-3262 and 34 CFR Parts 500, 501, 524, 525, 526, 561, 573, and 574. Each year the Secretary selects Field Readers to evaluate grant applications against criteria published in program regulations and, where applicable, application notices published in the *Federal Register*.

Expertise is desirable in areas including evaluation, curriculum and materials development, personnel and parent training, education administration, research, bilingual education, English as a second language, teaching English to speakers of other languages, second language acquisition, adult education and special/vocational education. This list is not intended to be all inclusive and individuals with other expertise in related fields are encouraged to apply. Individuals selected as reviewers will be compensated for their services as needed. Individuals interested in serving as Field Readers for the fiscal year 1988-1989 funding cycle should mail or hand-deliver their resumes to OBEMLA no later than March 31, 1988.

FOR FURTHER INFORMATION CONTACT: Division of National Programs, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue SW. (Room 421, Reporters' Building), Washington, DC 20202. Telephone: (202) 447-9228.

Dated: February 16, 1988.

Alicia Coro,

Director, Office of Bilingual Education and Minority Languages Affairs.

Catalog of Federal Domestic Assistance Program No. 84.003, Bilingual Education:

Part A—

- I. Transitional Bilingual Education
- II. Developmental Bilingual Education
- III. Special Alternative Instructional Program
- IV. Academic Excellence
- V. Family English Literacy
- VI. Special Populations Program

Part C—

- I. Educational Personnel Training Programs
 - II. Training Development and Improvement Program
 - III. Short-Term Training Program
- [FR Doc. 88-3794 Filed 2-22-88; 8:45 am]
BILLING CODE 4000-01-M

National Advisory Council on Indian Education; Cancellation of Meeting

AGENCY: National Advisory Council on Indian Education; Education.

ACTION: Cancellation of meeting.

SUMMARY: Notice is hereby given of the cancellation of the National Advisory Council on Indian Education meeting, February 17, 1988, in Washington, DC, as published in the *Federal Register* on February 4, 1988, on Page 3236, Vol. 53, No. 23.

Signed at Washington, DC.

Date: February 12, 1988.

Lincoln C. White,
Executive Director, National Advisory
Council on Indian Education.

[FR Doc. 88-3767 Filed 2-22-88; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Project Nos. 9378-002, et al.]

Yuba County Water Agency, et al.; Surrender of Preliminary Permits

February 18, 1988.

Take notice that the following preliminary permits have been surrendered effective as described in Standard Paragraph I at the end of this notice.

1. Yuba County Water Agency

[Project No. 9378-002]

Take notice that Yuba County Water Agency, permittee for the Wambo Bar Water Power Project, FERC No. 9378, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 9378 was issued on April 16, 1986, and would have expired on March 31, 1989. The project would have been located on North Fork Yuba River and tributaries, in Butte and Sierra Counties, California.

The permittee filed the request on January 20, 1988.

2. Eugene Water and Electric Board

[Project No. 9449-003 Oregon]

Take notice that Eugene Water and Electric Board, permittee for the Strube-Cougar Hydroelectric Project No. 9449

has requested that its preliminary permit be terminated. The preliminary permit was issued on April 4, 1986, and would have expired on March 31, 1989. The project would have been located on the South Fork McKenzie River in Lane County, Oregon within the Willamette National Forest and on U.S. lands administered by the Corps of Engineers.

The permittee filed the request on November 2, 1987.

Standard Paragraph

1. The preliminary permit shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007 in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-3730 Filed 2-22-88; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7878-003]

William A. Curtis; Surrender of Exemption

February 18, 1988.

Take notice that William A. Curtis, exemptee for the proposed Hidden Springs Project, has requested that his exemption from licensing be terminated. The exemption was issued on September 30, 1985. The project would have been located on Hidden Springs, a tributary of Billingsley Creek near the town of Hagerman, in Gooding County, Idaho. The exemptee states that no construction or ground disturbing activities have been initiated at the proposed project location.

The exemptee filed the request on December 3, 1987, and the exemption for Project No. 7878 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-3731 Filed 2-22-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-58-017]

El Paso Natural Gas Co.; Compliance Filing

February 18, 1988.

Take notice that on January 29, 1988, El Paso Natural Gas Company (El Paso) tendered for filing data and information in compliance with Commission orders issued December 18 and 31, 1987 at Docket No. RP85-58-000, *et al.*, and letter order dated January 7, 1988 at Docket Nos. TA88-2-23-000 and RP85-58-000, *et al.*

El Paso states that it has served copies of this letter on all parties of record in Docket No. RP85-58-000, *et al.*

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before February 25, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-3813 Filed 2-22-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP88-11-000]

Hadson Gas Systems, Inc., Petition for Declaratory Order

February 17, 1988.

Take notice that on February 2, 1988, Hadson Gas Systems, Inc. (Hadson), 600 E. Carpenter Freeway, Suite 201, Irving, Texas 75062-3990, filed in GP88-11-000 a petition for a declaratory order that the Commission declare, under section 311(a) of the Natural Gas Policy Act of 1978 (NGPA) and § 385.102 of its regulations, that transportation by an interstate pipeline is authorized when any intrastate pipeline or local distribution company has executed any agency agreement with the shipper under which the "on behalf of" entity is authorized to act as the shipper's agent and for such other relief as the Commission finds appropriate, all as more fully described in the Petition.

It is stated that Hadson files this Petition because of the need to resolve

uncertainty as to the scope of interstate pipelines' authority under section 311(a) of the NGPA to transport gas "on behalf of" intrastate pipelines and local distribution companies. The Petition states that the importance of addressing this issue comes from the movement over the last several months toward selective implementation of the non-discriminatory transportation regulations by an increasing number of pipelines. It is stated that a number of interstate pipelines are offering non-discriminatory transportation under the NGPA § 311 component of Order No. 500 only, and have declined to offer such service under the NGA section 7 blanket certificate component.

The Petition states that there are several variations on this theme. In some cases, it is stated pipelines have not yet accepted (or have rejected) a proffered NGA blanket certificate while continuing to provide transportation under the NGPA section 311 component. In other cases, it is stated pipelines have simply never applied for an NGA blanket certificate, filing instead NGPA tariff sheets to offer transportation solely under the NGPA section 311 component of the regulations. And in at least one case, it is stated, the pipeline is apparently phasing out the availability of individual section 7(c) certificates as well, choosing in effect to offer sales service only under the NGA and transportation service only under the NGPA.

Hadson states that, as a result of this movement toward selective implementation of the Part 284 non-discriminatory transportation regulations, issues that previously were viewed as transitional, or even academic, have become critically important.

The Petition states that coupled with this movement toward selective implementation has been a trend on a number of pipelines toward an application of the "on behalf of" requirement that Hadson believes to be unjustifiably restrictive. Hadson states that this phenomenon might be termed a selective implementation even of the section 311 authority. For example, Hadson states, a number of pipelines have taken the position that the on behalf of entity must either have title to the gas or physically transport the gas. Under this approach, Hadson states, section 311 transportation is unavailable where the on behalf of entity is acting only as agent for the shipper. It is further stated that Hadson's research into whether such a "title or transport" requirement is justified has been unable to find any instance in the Commission's

rules or orders where section 311 transportation authorization was so limited. On the contrary, Hadson states, the Commission rulings appear quite consistent in stating that neither title nor physical movement of the gas by the on behalf of entity is required. Thus, Hadson states, the Commission has held that an agency arrangement with the on behalf of entity is sufficient to satisfy the regulatory requirements.

The Petition states that, despite these clear Commission pronouncements as to what is not required, there remains uncertainty as to how much of a nexus is required to satisfy the on behalf of test and whether the on behalf of entity is required to charge a fee for serving as the agent. The Petition states that, while such regulatory uncertainty may have been acceptable during the transitional period the industry has experienced over the last two years, it becomes a major obstacle if selective implementation of the Order No. 500 transportation authorization becomes a permanent feature of the pipeline industry.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 9, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 88-3814 Filed 2-22-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-173-001]

Horace F. McKay, Jr. and El PamCo., Inc.; Application for Extension of Limited-Term Abandonment With Pregranted Abandonment for Sales Under Small Producer Certificate

February 19, 1988.

Take notice that on October 2, 1987, as supplemented on December 31, 1987, January 11 and 28, and February 2, 1988, Horace F. McKay, Jr. and El PamCo., Inc. (McKay), P.O. Box 14738, Albuquerque, NM 87191-0738 filed an application in

Docket No. CI87-173-001 requesting a three-year extension of the limited-term abandonment with pregranted abandonment initially granted on March 13, 1987, in Docket No. CI87-173-000. Such authorization was for abandonment of sales of gas to El Paso Natural Gas Company (El Paso) from McKay's interests in the Bloomfield Field, San Juan County, New Mexico, and such limited-term authorization expires on March 13, 1988. McKay is a small producer certificate holder in Docket No. CS71-969.

McKay states that it is imperative that its NGA gas continue to be released so that it can continue to sell on the spot market or to end-users. By two letter agreements each dated May 1, 1987, El Paso agreed to release the subject gas on a temporary basis upon receipt of abandonment authority from the Commission. The primary term of the release agreements is until May 1, 1988. A secondary term extends from month to month thereafter until terminated by either party. Deliverability is approximately 445 Mcf/day. The gas is NGPA section 104 flowing gas (18%), post-1974 gas (25%), and section 108 gas (57%). McKay requests that its application be considered on an expedited basis under procedures established by Order No. 436, Docket No. RM85-1-000, at 18 CFR 2.77.¹

Since McKay has requested that its application be considered on an expedited basis, all as more fully described in the application which is on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the Federal Register, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to

¹ The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment or where the parties have entered into a take-or-pay buy-out pursuant to Section 2.78. On August 7, 1987, the Commission issued Order No. 500 which promulgated interim regulations in response to the court's remand (40 FERC ¶ 61,172 (1987)). These interim regulations became effective on September 15, 1987.

be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for McKay to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-3815 Filed 2-22-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-33-006]

Williams Natural Gas Co.; Proposed Changes in FERC Gas Tariff

February 18, 1988.

Take notice that on February 11, 1988, Williams Natural Gas Company (WNG) tendered for filing as part of its FERC Gas Tariff the following tariff sheets:

Original Volume No. 1

Revised Original Sheet Nos. 42, 44 and 50

Revised Third Revised Sheet No. 7.

Original Volume No. 2

Revised Second Revised Sheet No. 309.

WNG states that the above listed tariff sheets are being filed in accordance with Ordering Paragraph (B) of the Commission's Order Accepting Compliance Filing Subject to Refund and Conditions issued February 3, 1988, in this proceeding. The proposed effective date for these sheets is January 1, 1988.

Also filed was Alternate First Revised Sheet No. 29 to WNG's FERC Gas Tariff Original Volume No. 1. WNG states that this tariff sheet was tendered to make changes in pagination and format. The proposed effective date of this sheet is January 11, 1988.

WNG states that the following tariff sheets were filed to correct typographical errors. The proposed effective date for these sheets is January 1, 1988.

Original Volume No. 1

Revised Original Sheet Nos. 41, 46, 47, 48, 67F and 130

Revised First Revised Sheet Nos. 28, 30, 34, 35, 37, 87, 92, 93 and 96

Revised Second Revised Sheet No. 14.

WNG states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 25, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-3816 Filed 2-22-88; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3332-1]

State and Local Assistance; Underground Injection Control Program; Underground Water Source Protection

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has determined that \$2 million of the total funds available in Fiscal Year 1988 for grants under section 1443(b) of the Safe Drinking Water Act should be allocated exclusively for Class I Hazardous Waste well activity, Class II well activities, and Indian Tribe funding. The purpose of this notice is to inform the public of that decision and of the method used to allocate the \$2 million among the States.

FOR FURTHER INFORMATION CONTACT: Francoise Brasier, U.S. Environmental Protection Agency, Office of Drinking Water, State Programs Division, Underground Injection Control Branch, WH-550E, 401 M St. SW., Washington DC 20460; telephone 202-382-5530, (FTS) 382-5530.

SUPPLEMENTARY INFORMATION: In Fiscal Year 1988, EPA will make available \$11.5 million under section 1443(b) of the Safe Drinking Water Act, 42 U.S.C. 300j-2 (b), to support State underground injection control activities. Nine and one-half million dollars of the total will be distributed using the existing allotment formula, which is based on State population, geographic area, and injection practices for all classes of wells. The remaining \$2 million,

however, will be allocated in a different manner to reflect the need for additional resources to address high priority Class I Hazardous Waste Well activities, Class II well activities, and funding for Indian Lands. Specifically, EPA will reserve \$300,000 for Class I Hazardous Waste wells, \$1,125,000 for Class II wells, and \$575,000 for Indian Lands with UIC programs.

The following table illustrates the allotment by State of the \$2,000,000 set aside.

State Allotment Of Two Million Dollars

	Allotment
Connecticut	0
Maine	0
Massachusetts	0
New Hampshire	0
Rhode Island	0
Vermont	0
New Jersey	0
New York	22,400
Puerto Rico	0
Virgin Islands	0
District of Columbia	0
Delaware	0
Maryland	0
Pennsylvania	42,500
Virginia	0
West Virginia	5,200
Alabama	1,700
Florida	500
Georgia	0
Kentucky	37,300
Mississippi	6,800
North Carolina	0
South Carolina	0
Tennessee	100
Illinois	100,100
Indiana	22,700
Michigan	11,400
Minnesota	0
Ohio	27,200
Wisconsin	0
Arkansas	8,400
Louisiana	30,400
New Mexico	26,900
Oklahoma	156,900
Texas	368,700
Iowa	0
Kansas	102,500
Missouri	2,700
Nebraska	4,300
Colorado	6,800
Montana	10,000
North Dakota	4,300
South Dakota	300
Utah	4,600
Wyoming	40,800
Arizona	0
California	76,100
Hawaii	0
Nevada	100
American Samoa	0
Guam	0
Northern Mariana Islands	0
Trust Territories	0
Alaska	3,200
Idaho	0
Oregon	0
Washington	0
Total	1,125,000
Class I Hazardous Waste set-aside	\$300,000
Region V	\$110,000
Region VI	\$190,000
Indian Land set-aside	\$575,000

	Allotment
Osage Country	\$238,600
Navajo Lands	\$89,000
Reserved	\$247,400
Total	2,000,000

Dated: February 5, 1988.

Lawrence J. Jensen,

Assistant Administrator for Water.

[FR Doc. 88-3776 Filed 2-22-88; 8:45 am]

BILLING CODE 6560-50-M

(FRL-3330-5)

Superfund Program; Notice Letters, Negotiations and Information Exchange

AGENCY: Environmental Protection Agency.

ACTION: Request for Public Comment.

SUMMARY: The Agency is publishing the "Interim Guidance on Notice Letters, Negotiations, and Information Exchange" today to inform the public about these guidelines and to solicit public comment. This guidance covers the use of the section 122(e) special notice procedures and other related settlement authorities under section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or Superfund) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) (hereinafter referred to as "CERCLA").

DATE: Comments must be provided on or before April 25, 1988.

ADDRESS: Comments should be addressed to Kathy MacKinnon, U.S. Environmental Protection Agency, Office of Waste Programs Enforcement, Guidance and Oversight Branch (WH-527), 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Kathy MacKinnon, U.S. Environmental Protection Agency, Office of Waste Programs Enforcement, Guidance and Oversight Branch (WH-527), 401 M Street, SW., Washington, DC 20460 (202) 475-6770.

SUPPLEMENTARY INFORMATION: The guidance emphasizes the importance of reaching voluntary settlements with potentially responsible parties (PRPs) and uses notice letters, negotiations, and information exchange as mechanisms for facilitating settlements. The guidance establishes a process for issuing notice letters to PRPs, including the use of the special notice procedures under section 122(e) of CERCLA. The guidance

establishes separate notification processes for removal and remedial actions.

The guidance also discusses the Agency's general policy for exchanging information with PRPs, including a discussion about EPA's release of information under section 122(e)(1) of CERCLA and EPA's authorities to request information from PRPs under sections 104(e) and 122(e)(3)(b) of CERCLA and section 3007(a) of the Resource Conservation and Recovery Act (RCRA).

Finally, the guidance discusses various aspects of the negotiation process. This includes a discussion about negotiation moratoriums that are triggered by the use of the section 122(e) special notice procedures. This also includes a discussion about concluding negotiations and managing negotiation deadlines.

The Agency encourages public comment and will reevaluate this interim guidance in response to such comments.

The interim guidance follows.

Date: November 25, 1987.

J.W. McGraw

Acting Assistant Administrator for Solid Waste and Emergency Response.

INTERIM GUIDANCE ON NOTICE LETTERS, NEGOTIATIONS, AND INFORMATION EXCHANGE

Table of Contents

- I. Introduction
- II. Purpose and Scope of Guidance
- III. Statutory Authority
 - A. Settlements
 - B. Special Notice Procedures and Information Release
- IV. Information Exchange
 - A. Information Requests
 - B. Information Release
- V. Notice Letters and Negotiation Moratorium for RI/FS and RD/RA
 - A. Purpose of Notice Letters
 - B. General Notice Letter
 1. Whether to Issue General Notice
 2. Timing of General Notice
 3. Recipients of General Notice
 4. Contents of General Notice
 - C. RI/FS and RD/RA Special Notice Letters
 1. Whether to Issue RI/FS and RD/RA Special Notice
 2. Notifying PRPs When Not Appropriate to Issue RI/FS and RD/RA Special Notice
 3. DOJ Role in RI/FS and RD/RA Negotiations
 4. Timing of RI/FS Special Notice
 5. Timing of RD/RA Special Notice
 6. Recipients of RI/FS and RD/RA Special Notice
 7. Contents of RI/FS and RD/RA Special Notice
 - D. Conclusion of Negotiation Moratorium and Deadline Management for RI/FS and RD/RA

VI. Notice Letters and Negotiation Moratorium for Removal Actions

A. Notice Letters

1. Whether to Issue Notice for Removals
2. When to Use Special Notice Procedures for Removals
3. Notifying PRPs When Not Appropriate To Utilize Special Notice Procedures for Removals
4. DOJ Role in Removal Negotiations
5. Timing of Notice for Removals
6. Recipients of Notice for Removals
7. Contents of Notice for Removals

B. Conclusion of Negotiation Moratorium and Deadline Management for Removals

C. Administrative Orders and Negotiation Moratorium for Removals

VII. Disclaimer

VIII. For Further Information

Appendices

Appendix A: Timing of RD/RA Special Notice Letter
 Appendix B: PRP Settlement process for RI/FS and RD/RA
 Appendix C: Model Notice Letters (To be sent to EPA regions at a later date)

Memorandum

SUBJECT: Interim Guidance on Notice Letters, Negotiations, and Information Exchange

FROM: J. Winston Porter, Assistant Administrator

TO: Regional Administrators

I. Introduction

The Superfund Amendments and Reauthorization Act of 1986 (SARA), which amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), maintains the importance of a strong Superfund enforcement program.¹ In particular, SARA emphasizes the importance of entering into negotiations and reaching settlements with potentially responsible parties (PRPs) to allow PRPs to conduct or finance response actions. SARA generally codified the Agency's Interim CERCLA Settlement Policy but also established some new authorities and procedures that were designed to facilitate settlements.

A fundamental goal of the CERCLA enforcement program is to facilitate voluntary settlements. EPA believes that such settlements are most likely to occur when EPA interacts frequently with PRPs. Frequent interaction is important because it provides the opportunity to share information about a site and may reduce delays in conducting response actions caused by the lack of communication. Important mechanisms for promoting interaction and facilitating communication between EPA and PRPs

¹ CERCLA of 1980 as amended by SARA of 1986 is referred to in this guidance as CERCLA.

include issuing notice letters, entering into negotiations, and exchanging information with PRPs.

This guidance replaces the October 12, 1984 guidance on "Procedures for Issuing Notice Letters" and the October 9, 1985 guidance on "Timely Initiation of Responsible Party Searches, Issuance of Notice Letters, and Release of Information."² Although certain procedures and the timing of various activities have been modified, this guidance retains many fundamental aspects of the October 12, 1984 and October 9, 1985 guidances. In particular, this guidance re-emphasizes the importance of timely issuance of notice letters and the exchange of information between EPA and PRPs. In addition, this guidance incorporates a moratorium and "formal" period of negotiation (referred to as a negotiation moratorium) into the settlement process. EPA's commitment to carrying out these activities is crucial for supporting our fundamental goal of facilitating negotiated settlements.

II. Purpose and Scope of Guidance

The purpose of this guidance is to assist the Regions in establishing procedures for the issuance of notice letters to PRPs, for the conduct of negotiations between EPA and PRPs, and for the exchange of information between EPA and PRPs.

This guidance addresses the use of both "general" and "special" notice letters for removal and remedial actions. Special notice letters differ from general notice letters because special notices trigger the negotiation moratorium. The negotiation moratorium is the period of time where a moratorium is imposed on certain EPA actions and a period of "formal" negotiations is established between EPA and PRPs.

Use of both general and special notice letters are discretionary. However, the Regions are expected to issue general and special notices for the vast majority of remedial actions. Such notice letters will be issued for remedial investigations/feasibility studies (RI/FSs) and remedial designs/remedial actions (RD/RAs). Although it is generally appropriate to issue a "removal notice" for all removal actions, the Regions are not expected to invoke the section 122(e) special notice procedures for most removals.

This guidance also addresses the timing, duration, and conclusion of the negotiation moratorium. Finally, this guidance discusses the process of information exchange between EPA and

PRPs, including requests for and releases of site-specific information.

III. Statutory Authority

A. Settlements

Sections 104(a), 122(a), and 122(e)(6) authorize settlements and establish certain conditions for allowing PRPs to conduct or finance response actions. Section 104(a) authorizes EPA to enter into an agreement with PRPs to allow PRPs to conduct or finance response actions in accordance with section 122 if EPA determines that the PRPs will conduct the response action properly and promptly. Under section 104(a), PRPs cannot conduct the RI/FS unless EPA determines that the PRP is qualified to perform the RI/FS, EPA contracts with or arranges for a qualified person other than the PRP to assist EPA in overseeing and reviewing the RI/FS, and the PRP agrees to reimburse the Fund for the costs EPA incurs in overseeing and reviewing the PRP's RI/FS.

Section 122(a) similarly authorizes EPA to enter into agreements with PRPs to perform response actions if EPA determines the action will be conducted properly. Section 122(a) also provides for EPA, when practicable and in the public interest, to facilitate settlements with PRPs to expedite effective remedial actions and to minimize litigation.

Section 122(e)(6) provides that no PRP may undertake any remedial action at a facility where EPA or a PRP pursuant to an administrative order or consent decree under CERCLA has initiated an RI/FS unless the remedial action has been authorized by EPA.

B. Special Notice Procedures and Information Release

Sections 122(e) and 122(a) contain provisions relating to the special notice procedures and the release of information to PRPs. Section 122(e) provides for EPA to utilize the special notice procedures if EPA determines that a period of negotiation would facilitate an agreement with PRPs and would expedite remedial actions. Section 122(e) also provides for EPA to release certain information to PRPs. Such information includes, to the extent available, the names and addresses of other PRPs, the volume and nature of substances contributed by each PRP, and a ranking by volume of the substances at the facility.³ In addition,

³ Congress recognized that there may be limitations to the availability of information at early phases of the response action. In particular, Congress noted that the RI/FS special notice need not be accompanied by information on volume and nature of waste and ranking if this information is not available at the start of the RI/FS. A separate

this section provides for EPA to make such information available in advance of the special notice upon request by a PRP in accordance with procedures provided by EPA.

Issuance of a special notice triggers a moratorium on the commencement of certain actions by EPA under section 104 or section 106. The purpose of the moratorium is to provide for a period of negotiation between EPA and PRPs. The moratorium prohibits EPA from commencing any response action under section 104(a), and an RI/FS under section 104(b), or an action under section 106 for 60 days after receipt of the notice. If EPA determines that a "good faith offer" has been submitted by the PRP within 60 days after receipt of the special notice, EPA shall not commence an action under section 104(a) or take any action against any person under section 106 for an additional 60 days or commence an RI/FS under section 104(b) for an additional 30 days.

Under section 122(e)(2)(a), EPA may commence any additional other studies or investigations authorized under section 104(b), including the remedial design, during the negotiation period. Under section 122(e)(2)(C), if an additional PRP is identified during the negotiation period or after an agreement has been entered into, EPA may bring the additional party into the negotiation or may enter into a separate agreement with the PRP. Under section 122(e)(5), EPA is not prohibited from undertaking a response or enforcement action during the negotiation period when there is a significant threat to public health or the environment.

Section 122(a) provides that if EPA decides not to use the special notice procedures established under section 122(e), EPA is required to notify PRPs in writing of this decision along with an explanation why it is inappropriate to use such procedures. The decision by EPA to use or not to use the special notice procedures is not subject to judicial review.

IV. Information Exchange

The exchange of information between EPA and PRPs is crucial for facilitating settlements. Information exchange should be an ongoing process of communication. EPA uses information

notice and information release should be provided for private parties who actually conduct the remedial action and information on volume, nature and ranking of wastes should be made available routinely at this time. See the Conference Report on the Superfund Amendments and Reauthorization Act of 1986, 99 Cong., 2d Sess. Report 99-862 pp. 253 (1986).

² These guidances were issued under OSWER Directive Numbers 9834.1 and 9834.2, respectively.

obtained from PRPs to determine potential liability, to determine the need for response, and to support the selection of the remedy. PRPs use information obtained from EPA to organize among themselves and to develop a "good faith offer" to conduct or finance response actions.

A. Information Requests

EPA may request information from PRPs about various activities and conditions under section 104(e) of CERCLA and under section 3007(a) of the Resource Conservation and Recovery Act (RCRA). In addition, EPA may issue administrative subpoenas under section 122(e)(3)(b) of CERCLA. Information commonly requested includes details concerning waste operations and waste management practices, the type and amount of substances contributed by each PRP, as well as the name of other PRPs that contributed substances to the site.

Information requests should be issued as early as practicable and may be issued as a separate letter during the PRP search process, as part of the general notice letter, or through an administrative subpoena. A detailed discussion about the use of information request letters and administrative subpoenas is contained in the forthcoming "Guidance on Use and Enforcement of Information Requests and Administrative Subpoenas under CERCLA sections 104(e) and 122(e)."

The Regions have the discretion to decide whether to issue an information request as a separate letter during the PRP search or as a component of a general notice letter. Issuing a separate information request letter in advance of the general notice may be advantageous in situations where information from PRPs is needed to determine whether it is appropriate to issue a notice letter to such parties.

Information requests should be developed in accordance with the forthcoming guidance on information requests and administrative subpoenas as mentioned above. An information request should also indicate that EPA plans to vigorously enforce information requests with the new enforcement tools authorized under SARA which include issuing orders under section 104(e)(5). Finally, the information request should indicate that it is the PRPs responsibility to inform EPA whether information they provide to EPA is confidential and subject to protection under section 104(e) of CERCLA.

B. Information Release

It is important to gather and release site-specific information to PRPs as soon

as reasonably practicable. Gathering and releasing such information early in the process will not only expedite response and enforcement activities but will help PRPs organize and negotiate among themselves as well.

As indicated, section 122(e)(1) provides for the release of certain information to PRPs to the extent such information is available. Such information includes the names and addresses of other PRPs, the volume and nature of substances contributed by each PRP, and a ranking by volume of the substances at the facility. This information is to be provided to PRPs in advance of the special notice in accordance with procedures developed by EPA.

Congress recognized the limitations to EPA's ability to make certain information available to PRPs, especially early in the response process. Therefore, this information can be released only to the extent such information is available. If the Regions have information on volume, the Regions should develop volumetric rankings and should make such information available to PRPs as soon as practicable. However, due to their preliminary and summary nature, EPA will not expand resources to explain or defend any list or ranking. Lists or rankings released to PRPs and others should always contain appropriate disclaimers.

The Regions are encouraged to release information to PRPs as soon as reasonably possible. The Regions may respond directly to individual PRP requests for information, may use the notice letters as vehicles to release such information to PRPs, or may establish alternative mechanisms in some situations as discussed below. The Regions are strongly encouraged to use the notice letters to release site-specific information. In particular, use of the general notice may provide a convenient opportunity to release information in advance of the special notice pursuant to the statutory provision that EPA release such information in advance of the special notice in accordance with procedures developed by EPA.

Although it is generally preferable to release information to individual PRPs through notice letters, alternative mechanisms may be used in unusual circumstances. For example, in instances where there are many PRPs and/or where there is a substantial amount of information to be released, the Regions may consider making the information available through a central mechanism (e.g. through a PRP steering committee if one has been formed and if the committee has agreed to be a

clearinghouse for distributing information to other PRPs). An alternative would be to indicate in the notice letter that the Region has site-specific information that will be made available to the PRPs in a manner specified in the letter.

V. Notice Letters and Negotiation Moratorium for RI/FS and RD/RA

This guidance creates a systematic process for issuing three separate notice letters for remedial actions. The three notice letters are (1) the general notice, (2) the RI/FS special notice, and (3) the RD/RA special notice. Even though the RI/FS and RD/RA special notice letters are separate letters, they are discussed in the same section below since the content of these letters is basically the same. In instances where the content of the RI/FS and RD/RA special notices differ, separate sections are presented.

Also, this guidance is written with the assumption that each notice letter will be issued in sequence. Consequently, the guidance has been structured so that certain information provided or requested in one letter is not repeated in a subsequent letter. The content of actual letters may, however, need to be modified in situations where this process is not followed.

For example, there may be a situation where site activities are already underway and where the Region is ready to issue the RI/FS special notice but has not issued a general notice. In this instance, it would not be necessary to wait to send the special notice until after a general notice is issued. However, it may be appropriate to include certain aspects of the general notice into the special notice.

A. Purpose of Notice Letters

The purpose of the general notice is to inform PRPs of their potential liability for future response costs, to begin or continue the process of information exchange, and to initiate the process of "informal" negotiations. In addition, the general notice informs PRPs about the possible use of the section 122(e) special notice procedures and the subsequent moratorium and "formal" negotiation period.

The purpose of the special notice is similar to the general notice, except that the special notice is also used to invoke the statutory moratorium on certain EPA actions and to initiate the process of "formal" negotiations. Although the general notice does not trigger a moratorium on any EPA action and does not invoke a "formal" period of negotiation, the general notice is expected to initiate a dialogue between

EPA and PRPs. Issuance of a general notice should be viewed as a mechanism for initiating negotiations whereas issuance of a special notice should be viewed as a mechanism for concluding negotiations.

The term "informal" negotiations does not mean that such negotiations are not serious efforts to reach a settlement. Rather "informal" negotiations refers to any negotiations that are not conducted as part of the negotiation moratorium triggered by issuance of a special notice under section 122(a). The terms "informal" and "formal" negotiations are used to draw a distinction between negotiations which are and are not covered by the section 122(e) moratorium.

B. General Notice Letter

Agency notification procedures should provide PRPs with sufficient time to organize and develop a reasonable offer to conduct or finance the response action. Toward this end, the Regions should contact PRPs prior to issuing a section 122(e) special notice by issuing a general notice letter.

1. Whether To Issue General Notice

A general notice letter should be issued at the vast majority of sites that are proposed for or listed on the National Priorities List (NPL) where negotiations for the RI/FS and RD/RA have not yet been initiated. Circumstances where it may not be appropriate to issue the general notice include sites where a notice pursuant to previous guidance was issued prior to the reauthorization of CERCLA or where the Region is ready to issue a special notice at the site. These exceptions are important for minimizing any possible disruption to ongoing activities.

2. Timing of General Notice

The general notice letter should be sent to PRPs as early in the process as possible, preferably once the site has been proposed for inclusion on the NPL. Early receipt of the general notice will ensure that PRPs have adequate knowledge of their potential liability as well as a realistic opportunity to participate in settlement negotiations. When a separate information request letter has been sent to PRPs prior to the general notice, the information request should be sent as early as possible to avoid any delay in issuing the general notice.

3. Recipients of General Notice

General notice letters should be sent to all parties where there is sufficient evidence to make a preliminary determination of potential liability

under section 107 of CERCLA. If there is doubt about whether available information supports issuance of the general notice, separate information request letters may be sent to such parties prior to issuing the notice. If a Federal agency has been identified as a generator at a facility not owned/operated by the Federal agency, such agency should be routinely notified like other PRPs.

If additional PRPs are identified after the general notice but before the RI/FS special notice is issued, the Regions should provide a general notice to those additional PRPs. If additional PRPs are identified after general and special notices are issued, the additional PRPs need not receive a general notice before receiving the appropriate special notice. However, relevant aspects of the general notice should be incorporated into the special notice.

Copies of the general notice should be provided to the Regional administrative record coordinator, the appropriate State representative, the State or Federal trustee if a trustee for natural resources has been designated, and to EPA headquarters at the same time notices are sent to PRPs. The copies of notices to headquarters should be sent to the Information Management Section within the Program Management and Support Office of the Office of Waste Programs Enforcement (OWPE).

Providing copies to the administrative record coordinator is important for ensuring that the notice is placed in the administrative record.⁴ Providing copies to the State representative and the State or Federal trustee is important for ensuring that States are appropriately informed about possible future negotiations.⁵ Providing copies to OWPE is essential for permitting entry into the Superfund Enforcement Tracking System (SETS). Entry into sets will facilitate our efforts to track site activities and to respond to Congressional and other inquiries. Direct Regional input of data into SETS on notice letter recipients is planned for FY 1988.

It is not necessary to provide copies of each general notice to the administrative record coordinator, State representative, State or Federal trustee, or headquarters in instances where identical notices are provided to multiple PRPs. Where there

⁴ A discussion about placing notice letters in the administrative record is covered in the forthcoming "Guidance on the Administrative Record for Selecting a Response Action Under CERCLA" and in the preamble to the forthcoming revisions to the National Contingency Plan.

⁵ State participation in negotiations is covered in the forthcoming "Interim Guidance on EPA-State Relations in CERCLA Enforcement."

are multiple PRPs at a site, a copy of one general notice with a list of other parties who have received the letter would suffice.

4. Contents of General Notice

The general notice letter should contain the following components: (a) A notification of potential liability for response costs, (b) a discussion about future notices and the possible future use of special notice procedures, (c) a general discussion about site response activities, (d) a request for information about the site (if appropriate), (e) the release of certain site-specific information (where available), (f) a discussion about the merits of forming a PRP steering committee, (g) a notice regarding the development of an administrative record, and (h) a deadline for response to the letter and information on the EPA representative to contact.

a. *Potential liability:* The letter should inform parties that they are potentially liable for response costs under section 107 of CERCLA, including the costs of conducting the RI/FS and RD/RA. The letter should define the scope of potential liability and should briefly explain why the parties have been identified as PRPs.

b. *Future notice under section 122(a) and section 122(e):* The letter should indicate that EPA will notify the party at an appropriate point in the future. The letter should specify that this notice will either be a section 122(a) notice or a section 122(e) special notice and should explain what these notices are.

The letter should indicate that the section 122(a) notice is a notice which informs parties that EPA will not use the section 122(e) special notice procedures. The letter should indicate that the notice will provide an explanation for the decision not to use the special notice procedures.

The letter should also indicate that a section 122(e) special notice will invoke the negotiation moratorium. The letter should make clear that issuance of a section 122(e) special notice letter is discretionary and may be used if EPA determines that use of such procedures would facilitate an agreement and expedite remedial action. The letter should also explain the purpose of the special notice and the subsequent negotiation moratorium. Informing PRPs about the special notice procedures and the negotiation moratorium will alert PRPs to possible future negotiations and increase their awareness of their opportunities for participation in such negotiations.

c. *Site response activities:* The letter should generally discuss the activities EPA plans to undertake at the site. Where appropriate, such activities should include scheduled start or completion dates for the RI/FS or RD/RA. Instances where it may not be appropriate to provide start or completion dates include situations where the general notice is issued very early in the process and where specific dates have not yet been set, or where it is expected that target dates are likely to change significantly.

d. *Information request:* The letter should request information on substances sent to or present at the site and the names of other PRPs pursuant to section 104(e) of CERCLA and/or section 3007(a) of RCRA if a separate information request has not already been issued. The content of the information request should be consistent with the forthcoming "Guidance on Use and Enforcement of Information Requests and Administrative Subpoenas Under CERCLA Sections 104(e) and 122(e)."

e. *Information release:* At a minimum, the letter should release the names and addresses of other PRPs who have received the general notice letter. In addition, to the extent such information is available, the letter should include the volume and nature of substances contributed by each PRP and a ranking by volume of the substances at the facility if such information has not been previously released.

f. *PRP steering committee:* The letter should request that the PRPs identify a member of their organization who will represent their interests. In addition, the letter should recommend that PRPs form a steering committee to represent the group's interests in possible future negotiations. The letter should indicate that establishing a steering committee is important for facilitating negotiations with EPA.

g. *Administrative record:* The letter should be used as a vehicle for informing PRPs of the availability of an administrative record that will contain documents which form the basis for the Agency's decision on the selection of remedy. The letter should indicate that the record will be open to the public for inspection and comment. The letter should also provide information regarding the opening of the record and where it will be located.

h. *PRP response and EPA contact:* The letter should encourage PRPs to notify EPA by a specified date of their interest to participate in future negotiations. The letter should indicate that PRPs may respond as a group through a steering committee if one has been formed. The

letter should also provide a cut off date for voluntary compliance with information requests (if a request for information is contained in the general notice). An appropriate time frame for the PRP response to an information request is generally thirty days from receipt of the letter. Finally, the letter should provide the name, phone number, and address of the EPA representative to contact.

C. RI/FS and RD/RA Special Notice Letters

Prior to EPA's conduct of the RI/FS and RD/RA, the Regions should either issue the special notice to PRPs or provide PRPs with an explanation why it was not appropriate to use the special notice procedures. Issuance of the special notice triggers a moratorium on EPA's conduct of the RI/FS and remedial action. While the statute does not impose a moratorium on EPA's conduct of the remedial design, the Agency will not generally conduct such activities during the moratorium. The purpose of the moratorium is to provide for a formal period of negotiation between EPA and PRPs where the PRPs will be encouraged to conduct or finance response activities.

The negotiation moratorium may last a total of 90 days for the RI/FS and 120 days for the RD/RA if EPA receives a "good faith offer" from PRPs within the first 60 days of the moratorium. The negotiation moratorium would conclude after 60 days if the PRPs do not provide EPA with a "good faith offer."

The initial 60 day moratorium begins on the date the PRPs receive the special notice via certified mail. In instances where there is more than one PRP and PRPs are likely to receive the special notice on different days, the date the moratorium begins should be seven days from the date the letters are mailed to the PRPs. In either case, the special notice must make clear when the negotiation moratorium begins and ends.

1. Whether To Issue RI/FS and RD/RA Special Notice

EPA has the discretion to use the special notice procedures when EPA determines that a period of negotiation would facilitate an agreement with PRPs and would expedite remedial actions. The Agency believes entering into such negotiations would generally facilitate settlements and plans to utilize the RI/FS and RD/RA special notice procedures in the vast majority of cases.

There are, however, some circumstances where it would generally not be appropriate to use such procedures. Such circumstances include

(1) where past dealings with the PRPs strongly indicate they are unlikely to negotiate a settlement, (2) where EPA believes the PRPs have not been negotiating in good faith, (3) where no PRPs have been identified at the conclusion of the PRP search, (4) where PRPs lack the resources to conduct response activities, (5) where there are ongoing negotiations, or (6) where notice letters were already sent prior to the reauthorization of CARCLA and ongoing negotiations would not benefit by issuance of a special notice.

Special notices may be issued for operable units of remedial actions. The test for determining whether to issue a special notice for an operable unit is generally the same as for full-scale remedial actions. The general expectation is that separate special notices will be issued for each separate operable unit as long as issuing the notice would facilitate an agreement and would expedite the remedial action. However, special notices may also be issued for only major operable units or may cover a series of operable units if appropriate under the circumstances at the site.

For example, if several operable units will be conducted at a site as relatively separate and distinct response actions, it may be appropriate to consider using separate special notices which would trigger separate negotiation moratoriums. If a series of operable units will make up a remedial action it may be appropriate to issue the special notice to cover only the major operable unit(s) or to cover several operable units.

2. Notifying PRPs When Not Appropriate To Issue RI/FS and RD/RA Special Notice

In instances where EPA decides it is inappropriate to issue the special notice, section 122(a) provides for EPA to notify PRPs in writing of that decision. The notice must indicate the reasons why the Region determined that issuing the special notice and entering into "formal" negotiations was not appropriate. The notice should be provided to all PRPs that have been identified to date as well as to the Regional administrative record coordinator for placement in the record. Such notices should be provided as soon as practicable. In instances where the RI/FS or RD/RA have not yet been initiated, the notice should be sent prior to the initiation of such activities if possible.

In addition, the section 122(a) notice should be used as a vehicle for informing PRPs that the Agency will establish or has established an

administrative record containing technical documents supporting the Agency's decision on the selection of remedy. The notice should indicate that the record is open for public inspection and comment and should specify where the record will be or has been located.

3. DOJ Role in RI/FS and RD/RA Negotiations

The Regions should notify the Chief of the Environmental Enforcement Section in the Department of Justice (DOJ) prior to issuing special notice letters where settlement by a consent decree is contemplated. A copy of this memorandum should also be provided to the Office of Waste Programs Enforcement and the Office of Enforcement and Compliance Monitoring in Headquarters.

The memorandum to DOJ should indicate when the Region intends to issue the special notice. Because most RI/FS negotiations involve consent orders, notice to DOJ on the RI/FS is not ordinarily necessary. However, where a site is in litigation or where settlement by consent decree is expected, DOJ should be notified at least 30 days prior to issuing the RI/FS special notice. In addition, where the resolution of the matter by an administrative order is expected to involve a compromise of past or future response costs and the total response costs will exceed \$500,000, DOJ is to be notified. DOJ's role will be to review the compromise of the claim pursuant to section 122(h)(1) but not to review the administrative order for the RI/FS. For RD/RA negotiations, the notice should be sent to DOJ at least 60 days prior to issuing the RD/RA special notice. The memorandum should also identify the EPA Regional representative DOJ should contact.

In addition, the Regions should consult with the Chief of the Environmental Enforcement Section prior to sending a copy of any draft consent decree or any outline of a draft consent decree to PRPs. The Regions are encouraged to include a draft consent decree with the RD/RA special notice or soon thereafter as discussed below.

4. Timing of RI/FS Special Notice

It is important that PRPs receive the RI/FS special notice letter as soon as practicable. Of greater importance, the letter must be sent sufficiently in advance of obligations for the RI/FS so that negotiations do not delay the initiation of the RI/FS by the Fund in the event the negotiations do not result in an agreement providing for the PRPs to conduct or finance the RI/FS. Timely receipt of the special notice will have a

significant effect on the PRPs ability for meaningful participation in formal negotiations.

The RI/FS special notice letter should be sent to PRPs no later than 90 days prior to the scheduled date for initiating the RI/FS. The scheduled date for initiating the RI/FS refers to the date funds will be obligated to commence response activities. A minimum of 90 days is important for ensuring that the negotiation moratorium does not delay initiation of the RI/FS in the event negotiations do not result in a settlement. The time for service by mail should be taken into account.

5. Timing of RD/RA Special Notice

The timing of the RD/RA special notice letter will have a significant impact on both the success of negotiations and on EPA's ability to move forward with implementing a remedy without delay. As indicated earlier, "formal" negotiations pursuant to special notice are not the sole vehicle for reaching settlements. "Informal" negotiations must occur throughout the process and in advance of the special notice. To assure that "formal" negotiations are productive, EPA must initiate PRP search and information exchange activities as well as "informal" negotiations as early as possible.

The primary purpose of the special notice procedures is to facilitate settlements through negotiation. A primary concern in determining when to issue an RD/RA special notice is whether there is a likelihood that meaningful negotiations can be conducted at a given stage in the process. Another concern is that, to the extent practicable, the negotiations must be scheduled to minimize any delay in the remedial design and remedial action. A final concern is that negotiations be carried out in a way that does not undermine or have the appearance of undermining the public participation process.

This guidance establishes an approach which identifies when the Regions must generally issue the RD/RA special notice letter. The Regions may, however, adopt an alternative approach under appropriate circumstances. Appendix A contains illustrations of the three approaches discussed below.⁶

⁶ The time period depicted in the following discussion and illustrated in Appendix A reflect "best case" scenarios where various response and enforcement activities are expected to be carried out without delay. For example, the public comment period lasts 30 days and does not take into account a possible extension.

a. *General Approach: Issue special notice when release draft FS and proposed plan for public comment.* The Regions generally must issue the RD/RA special notice when the draft feasibility study (FS) and proposed plan⁷ are released to the public for comment. As shown in Appendix A, issuance of the special notice with the release of the draft FS and proposed plan triggers the initial 60 day negotiation moratorium. The initial 60 day negotiation moratorium begins at the start of the 30 day public comment period and, in conjunction with the first 30 days of the 60 day extended negotiation moratorium, is concurrent with the Record of Decision (ROD) review and approval process. The remaining 30 days of the extended negotiation moratorium is concurrent with the initial phases of the remedial design. EPA's ability to sign the ROD is not affected by the duration of the negotiation moratorium. The ROD may be signed at any point after the close of the public comment period and the preparation of the responsiveness summary for the public.

In most cases, commencing formal negotiations at the same time that the draft FS and proposed plan are released will properly balance the considerations stated earlier relating to EPA's ability to conduct meaningful negotiations, to minimize delay in implementing the RD/RA, and to maintain the integrity of the public participation process. Under this approach, formal opportunity for PRP involvement would begin at an early yet concrete stage in the process. Early participation may be especially advantageous in situations where PRPs have not been previously or substantially involved in RI/FS activities. In addition, PRPs and the public would have knowledge of the possible range of alternatives through the draft FS and proposed plan prior to "formal" negotiations. This information is important for assisting the PRPs in developing a meaningful "good faith offer" for conducting or financing the RD/RA.

b. *Alternative Approach: Issue special notice prior to release of draft FS and proposed plan for public comment.* Although the Regions generally will issue the RD/RA special notice when

⁷ The proposed plan refers to the public participation document developed pursuant to section 117(a). This is a non-legal, non-technical document that describes the alternatives in the FS, and specifies and provides a brief analysis of EPA's preferred alternative. A more detailed discussion of the proposed plan will be contained in the forthcoming "Guidance on Documenting Decisions at Superfund Sites" (referred to as the ROD Guidance).

the draft FS and proposed plan are released to the public for comment, the Regions are encouraged to issue the special notice earlier in the process if this action would facilitate the prospects for reaching a settlement. If a Region chooses to follow this approach, the Region should include with the special notice a summary or fact sheet of the alternatives EPA has screened and the alternatives the Agency is currently considering.⁸

As shown in Appendix A, the RD/RA special notice may be issued prior to EPA's release of the draft FS and proposed plan. Issuance of the special notice triggers the initial 60 day negotiation moratorium. The initial negotiation moratorium is concurrent with the review and release of the draft FS and proposed plan. The initial negotiation moratorium is completed prior to the initiation of the public comment period. The public comment period is concurrent with the first 30 days of the extended negotiation moratorium. The remaining 30 days of the extended negotiation moratorium is concurrent with the ROD review and approval process. The ROD could be signed and the negotiation moratorium could be concluded at about the same time. EPA's ability to sign the ROD is not affected by the negotiation moratorium. The ROD may be signed at any point after the close of the public comment period and the preparation of the responsiveness summary for the public.

In many cases, providing special notice at this early stage may be inappropriate because too much uncertainty would exist about the remedy to allow for meaningful negotiations. However, under other circumstances it may be appropriate to issue the special notice early in the process, especially in situations where there is a relatively small group of PRPs, it is clear what the remedy is likely to be, and the remedy is not likely to be controversial.

Where circumstances permit issuance of the special notice at this early stage, an advantage to this approach is that the ROD review and approval process and the negotiation moratorium could be concluded at about the same time. This

would help assure that cleanup occurs as soon as possible whether through a negotiated settlement or Fund-financed action. In addition, there would be an early opportunity to inform PRPs of various remedial alternatives under consideration by EPA prior to EPA's identification of the proposed plan. Early participation may be advantageous where PRPs have not been previously or substantially involved in RI/FS activities.

c. Alternative Approach: Issue special notice when the ROD is signed.

Although the Regions generally will issue the RD/RA special notice letter when the draft FS and proposed plan are released to the public for comment, there may be some limited circumstances where it is appropriate to issue the notice later in the process (i.e. when the ROD is signed). This approach may be followed, however, only where the Region can provide adequate justification and where the Region has obtained prior approval from Headquarters. Approval must be obtained in writing from the Directors of the Office of Waste Programs Enforcement and the Office of Emergency and Remedial Response.

As shown in Appendix A, under this approach the RD/RA special notice would not be issued until the ROD is signed. Thus, the entire 60 to 120 day negotiation moratorium would not occur until the remedial design phase.

An advantage to this approach is that since the ROD would be signed and the remedy would be selected at the start of the RD/RA negotiation moratorium, the PRPs would know precisely which remedy the "good faith offer" and the negotiations should focus on. In addition, since the negotiations would begin after the close of the public comment period, the PRPs and EPA would have the benefit of knowing the public comments.

The major disadvantage to this approach is that the negotiation moratorium would not occur until the end of the process (i.e. not until the beginning of the remedial design phase). Issuing the special notice at this point would create the greatest potential for a subsequent delay in implementing the remedy.

Instances where it may, however, be appropriate to issue the special notice later in the process (i.e. not until the ROD is signed) may be where more time is needed to conduct informal negotiations, where the site is particularly complex, or where there is an extraordinarily large number of PRPs (e.g. hundreds of PRPs). Another example may be where there is little

expectation that a Fund-financed remedial action will occur in the near future at an enforcement-lead site. If Fund-financed activities are not expected to occur and a later moratorium would facilitate cleanup, it may be less important to initiate and conclude negotiations early in the process.

6. Recipients of RI/FS and RD/RA Special Notice

The RI/FS and RD/RA special notice letters should be sent to all parties where there is sufficient evidence to make a preliminary determination of potential liability under section 107 of CERCLA. If there is doubt about whether available information supports issuance of the RI/FS and RD/RA special notices, separate information request letters may be sent to such parties prior to issuing such notice. If a Federal agency has been identified as a generator at a facility not owned/operated by the Federal agency, such agency should be routinely notified like other PRPs.

Section 122(e)(2)(C) authorizes EPA to bring additional parties into negotiations or to enter into a separate agreement with parties when additional PRPs are identified during the negotiation period or after an agreement has been entered into. The Regions may provide a special notice to additional parties if they are identified after issuance of the RI/FS special notice letter. However, issuance of a special notice to additional parties would not change the duration of the negotiation moratorium. The special notice may invite PRPs to participate in remaining negotiations, but would not extend the pre-existing negotiation moratorium.

Copies of the special notices should be provided to the Regional administrative record coordinator, the appropriate State representative, the State or Federal trustee if a trustee for natural resources has been designated, and to EPA headquarters at the same time notices are sent to PRPs. The copies of notices to headquarters should be sent to the Information Management Section within the Program Management and Support Office of the Office of Waste Programs Enforcement (OWPE).

Providing copies to the administrative record coordinator is important for ensuring that the notice to be placed in the record. Providing copies to the State representative and the State or Federal trustee is important for ensuring that States are appropriately informed about possible future negotiations. Providing copies to OWPE is essential for permitting entry into the Superfund

⁸ Release of a summary or fact sheet on the alternatives that have been screened and the alternatives that are being considered is important for facilitating negotiations at this early stage in the remedial process. This information will be useful to PRPs in developing their "good faith offer" for conducting or financing a response action and will be important for informing PRPs about the alternatives the Agency is considering at the site. The Regions should include the summary of alternatives or fact sheet in the administrative record for each site.

Enforcement Tracking System (SETS). Entry into SETS will facilitate our efforts to track site activities and to respond to Congressional and other inquiries. Direct Regional input of data into SETS on notice letter recipients is planned for FY 1988.

It is not necessary to provide copies of each special notice to the administrative record coordinator, State representative, State or Federal trustee, or headquarters in instances where identical notices are provided to multiple PRPs. Where there are multiple PRPs at a site, a copy of one special notice with a list of other parties who have received the letter would suffice.

7. Contents of RI/FS and RD/RA Special Notices

The RI/FS and RD/RA special notice letters should contain the following components: (a) A notification of potential liability, (b) a discussion about the special notice and subsequent negotiation moratorium, (c) a discussion about the response activities to be conducted, (d) a copy of a statement of work or workplan and a draft administrative order on consent for the RI/FS, (e) a copy of a draft consent decree for the RD/RA (if possible), (f) a discussion about what constitutes a "good faith offer" for the RI/FS, (g) a discussion about what constitutes a "good faith offer" for the RD/RA, (h) a release of certain site-specific information (where available and appropriate), (i) a demand for payment of EPA costs incurred to date, (j) a notification about the administrative record, and (k) a deadline for response to the letter and the name of the EPA representative to contact.

a. Potential liability: The letter should specify that PRPs are potentially liable for the costs of conducting the RI/FS or the RD/RA. A detailed discussion about potential liability is not necessary particularly if the RI/FS or RD/RS special notice references the general notice.

b. Special notice and formal negotiations: The letter should discuss the purpose of the special notice and the subsequent negotiation moratorium. The level of detail will depend upon whether the PRP has received the general notice and whether the general notice provided an adequate discussion. At a minimum, the letter should make clear that EPA is inviting PRPs to participate in "formal" negotiations for PRP conduct of the RI/FS or RD/RA and that this letter automatically triggers the formal negotiation period. In addition, it is important that the special notice indicate the date the negotiation moratorium will conclude in the absence

of and in the event of a "good faith offer." Finally, the letter should explain that a consent order or consent decree should be finalized by the end of the moratorium.

c. Response actions to be conducted: The letter should identify the response activities EPA plans to conduct at the site and provide scheduled dates for initiating such activities if appropriate.

d. Statement of work or workplan and draft administrative order on consent for RI/FS special notice: The letter should provide a statement of work or workplan and draft administrative order (AO) on consent. Such information is crucial to PRPs in their development of a "good faith offer" to EPA for conducting or financing the RI/FS and for ultimately facilitating settlements. The Regions are encouraged to provide the draft AO on consent with the notice letter if practicable. At a minimum, the letter should contain a copy of the statement of work with the expectation that the draft AO will follow as soon as practicable.

e. Draft consent decree for RD/RA special notice: The letter should contain a copy of the draft consent decree if possible. It is important that PRPs have the draft consent decree at the start of negotiations or soon thereafter since the decree contains important information which will assist PRPs in developing their "good faith offer" to EPA.

f. "Good faith offer" for RI/FS: The letter should indicate that a "good faith offer" is a written proposal which demonstrates the PRP's qualifications and willingness to conduct or finance the RI/FS. A "good faith offer" for the RI/FS should include the following:

- A statement of the PRPs willingness to conduct or finance the RI/FS which is generally consistent with EPA's statement of work or work plan and draft administrative order on consent or provides a sufficient basis for further negotiations;

- A paragraph-by-paragraph response to EPA's statement of work or workplan and draft administrative order on consent;

- A detailed statement of work or workplan identifying how the PRPs plan to proceed with the work;

- A demonstration of the PRPs technical capability to undertake the RI/FS. This should include a requirement that PRPs identify the firm they expect will conduct the work or that PRPs identify the process they will undertake to select a firm;

- A demonstration of the PRPs financial capability to finance the RI/FS;

- A statement of the PRPs willingness to reimburse EPA for the costs EPA incurs in overseeing the PRP conduct of

the RI/FS as required by section 104(a)(1); and

- The name, address, and phone number of the party or steering committee who will represent the PRPs in negotiations.

g. "Good faith offer" for RD/RA: The letter should indicate that a "good faith offer" is a written proposal which demonstrates the PRPs qualifications and willingness to conduct or finance the RD/RA. A "good faith offer" for the RD/RA should include the following:

- A statement of the PRPs willingness to conduct or finance the RD/RA which is generally consistent with EPA's proposed plan or which provides a sufficient basis for further negotiations in light of EPA's proposed plan;

- A paragraph-by-paragraph response to EPA's draft consent decree, including a response to other documents that may have been attached to the decree such as a technical scope of work for the proposed plan or access or preauthorization agreements;

- A detailed "statement of work" or "workplan" identifying how PRPs plan to proceed with the work;

- A demonstration of the PRPs technical capability to undertake the RD/RA. This should include a requirement that PRPs identify the firm they expect will conduct the work or that PRPs identify the process they will undertake to select a firm;

- A demonstration of the PRPs capability to finance the RD/RA;

- A statement of the PRPs willingness to reimburse EPA for past response and oversight costs;

- A discussion about the PRPs position on releases from liability and reopeners to liability; and

- The name, address, and phone number of the party or steering committee who will represent the PRPs in negotiations.

h. Information release: To the extent such information is available and to the extent such information has not been previously released, the letter should contain information on the names and addresses of other PRPs, the volume and nature of substances contributed by each PRP, and a ranking by volume of the substances at the facility. Note that the release of information with the RI/FS and RD/RA special notices is not intended to require the release of information previously provided to PRPs.

i. Demand for payment: The letter should include a demand that PRPs reimburse EPA for the costs the Agency has incurred in conducting response activities at the site pursuant to section 107(a). The letter should identify the

action EPA undertook and the cost of conducting the action. The letter should also indicate that the Agency anticipates expending additional funds on activities covered by this notice and other specified future activities. Finally, the letter should demand payment of interest for past and future response costs incurred by EPA pursuant to section 107(a). Notice letters should not be delayed to obtain cost information where such information has not been previously collected.

j. *Administrative record:* The letter should be used as a vehicle for informing PRPs of the availability of an administrative record containing documents that form the basis for the Agency's decision on the selection of remedy. The letter should indicate that the record is open to the public for inspection and comment. The letter should also indicate where the record will be or has been located.

k. *PRP response and EPA contact person:* The letter should encourage PRPs to notify EPA of their interest to participate in negotiations. The letter should indicate that PRPs may respond as a group through a steering committee if a committee has been formed. In addition, the letter should provide the name, phone number, and address of the EPA representative to contact.

D. Conclusion of Negotiation Moratorium and Deadline Management for RI/FS and RD/RA

At the conclusion of the section 122(e) negotiation moratorium, the Regions should have a fully negotiated administrative order on consent for the RI/FS and a fully negotiated consent decree for the RD/RA which has been signed by the PRPs. A signed document is necessary to show that an agreement has, in fact, been reached.⁹

At the conclusion of the 120 day moratorium for the RD/RA a determination must be made on whether to continue settlement activities, whether the site should be cleaned up using Superfund money, or whether to initiate a section 106 enforcement action. A continuation of settlement activities may include seeking an extension to the 120 day negotiation moratorium as discussed below, or sending a consent decree to the Department of Justice for lodging in the appropriate district court.

⁹ Pre-SARA guidance for drafting an administrative order is provided in "Superfund Administrative Order: Workshop and Guidance Materials" (1985) and for drafting a consent decree in "Guidance on Drafting Consent Decrees in Hazardous Waste Cases" (May 1, 1985). These guidances are being revised to include SARA's requirements.

In instances where an agreement has been reached and fully negotiated but PRPs have not yet obtained signatures, it may be necessary to obtain an extension to the negotiation moratorium. Extensions may also be necessary where the agreement has not been fully negotiated but all major issues are resolved and outstanding issues are well defined and final language is imminent. Extensions to the negotiation moratorium can be obtained only in certain circumstances as discussed in the February 12, 1987 "Interim Guidance: Streamlining the CERCLA Settlement Decision Process."¹⁰

The timing of special notice letters will have a significant affect on our ability to successfully conclude negotiations at the end of the moratorium period. The Streamlined Settlement Policy provides for two different processes for obtaining extensions for the RI/FS and RD/RA moratoriums. The policy indicates that the Regional Administrator has the discretion to terminate or extend negotiations for the RI/FS after 90 days. However, extension of negotiations beyond an additional 30 days should be authorized by the Regional Administrator only in limited cases.

Relating to the RD/RA moratorium, the Streamlined Settlement Policy provides for either Regional or Headquarters approval of an extension under certain circumstances. An extension to the 120 day RD/RA moratorium may be granted for an additional 30 days by the Regional Administrator when settlement is likely and imminent. An additional extension beyond the 30 days may be approved only by the Assistant Administrator for the Office of Solid Waste and Emergency Response (OSWER) and only in rare and extraordinary circumstances.

This guidance re-emphasizes the importance of meeting the 90 day moratorium for the RI/FS and the 120 day moratorium for the RD/RA. To aid that policy, this guidance identifies three circumstances where the Regional Administrator and Assistant Administrator for OSWER may consider granting such extensions for the RD/RA moratorium.

First, it may be appropriate for the Regional Administrator or the Assistant Administrator to extend the 120 day moratorium for the RD/RA if EPA selects a remedy in the ROD which is significantly different from the Agency's stated preference in the proposed plan.

¹⁰ This guidance was issued under OSWER Directive #9832.9.

This could mean that the focus of negotiations could change significantly, requiring additional time to reach agreement with PRPs.

The second example applies to Fund-lead sites. It may be appropriate for the Regional Administrator or the Assistant Administrator to extend the 120 day negotiation moratorium for the RD/RA if non-enforcement activities at the site (e.g. an extended public comment period or an extended ROD review and approval process) cause a significant delay in the Agency's ability to move forward in implementing a fund-financed remedy. An extension to the negotiation moratorium may be especially appropriate if there is reason to believe a negotiated settlement is imminent. In other words, if the Fund is not ready to move forward in implementing the remedy at the end of the 120 day negotiation moratorium there is no reason to conclude negotiations if there is reason to believe an agreement can be reached.

The third example applies to enforcement-lead sites. It may be appropriate for the Regional Administrator or the Assistant Administrator to extend the 120 day negotiation moratorium for the RD/RA after a section 106 litigation referral has been prepared and referred to the Department of Justice (DOJ) for action. In fact, the preparation and referral of a case to DOJ may be an important mechanism for providing the necessary impetus for reaching a voluntary settlement. In many cases it may be appropriate to issue a unilateral administrative order concurrent with the referral.

VI. Notice Letters and Negotiation Moratorium for Removal Actions

The notice letter process for removal actions differs from the notification process for remedial action. As discussed above, the notification process for remedial actions involves issuance of three notice letters. The notification process for removals will involve only one notice letter which may or may not invoke the section 122(e) special notice procedures as discussed below.

A. Notice Letters

1. Whether To Issue Notice for Removals

The Regions should attempt to contact PRPs prior to initiating a Fund-financed removal action to inform PRPs of their potential liability where EPA will incur response costs or to secure a private party response. This guidance

encourages the Regions to seek PRP response through a written notice letter but the Regions may contact PRPs verbally (with a written follow-up notice). This is consistent with the guidance on "Issuance of Administrative Orders for Immediate Removal Actions" (2/21/84).

The Regions should issue notice letters to readily identifiable PRPs for removal actions in the vast majority of cases. The content of the notice will vary depending whether the notice will be used simply to notify PRPs of their potential liability for an action EPA has already taken or is about to take, whether the notice will be used to encourage a private party response through "informal" negotiations (i.e. negotiations not triggered by the section 122(e) special notice procedures), or whether the notice will be used as a mechanism for invoking the section 122(e) special notice procedures which provide for "formal" negotiations between EPA and PRPs.

2. When to Use Special Notice Procedures for Removals

The Regions should consider using the section 122(e) special notice procedures only for those removals where the threat is of a nature that is not necessary to initiate an onsite removal action for at least six months. The "six month planning time period" begins once a site evaluation is completed. This means that for the vast majority of removal actions the Regions will not be required to utilize the special notice procedures. It is not appropriate to utilize special notices for most removal actions because the subsequent moratorium may interfere with the Agency's ability to implement the remedy in a timely manner. In addition, it may not be worth expending the time and resources to enter into formal negotiations when a removal will be a relatively short term and inexpensive response action.

The Regions should include the following factors in their determination of whether it is appropriate to utilize the special notice procedures for removals with a six month planning lead time: (1) Whether viable PRPs have been identified, (2) whether the PRPs are expected to respond favorably to the invitation to participate in negotiations and to conduct or finance the removal action, (3) whether issuance of the special notice could delay implementation of the removal action, and (4) whether it may be more appropriate to enter into "informal" negotiations in lieu of "formal" negotiations under section 122(e).

In determining the PRPs viability, the Region should inquire about the PRPs

financial and technical capability for conducting and/or financing the removal action in an effective and timely manner. In determining the PRPs willingness to undertake or finance the removal action, the Region should, at a minimum, obtain a verbal agreement from the PRPs prior to issuance of the special notice. In determining whether the special notice may delay implementation of the remedy or in determining whether to enter into "informal" rather than "formal" negotiations, the Regions should consider whether the section 122(e) negotiation moratorium would interfere with other activities at the site.

3. Notifying PRPs When Not Appropriate To Utilize Special Notice Procedures for Removals

EPA's decision on whether to use the special notice procedures for any response action is clearly discretionary. However, section 122(a) requires the Agency to notify PRPs in writing when the Agency decides not to utilize such procedures. The removal notice provides a convenient vehicle for informing PRPs of EPA's decision not to utilize the special notice procedures. The notice should, therefore, inform PRPs of EPA's decision not to utilize such procedures when this determination has been made and should provide an explanation for that decision.

4. DOJ Role in Removal Negotiations

The Regions should consult with the Chief of the Environmental Enforcement Section of DOJ prior to issuing a special notice letter for removal actions where settlement by consent decree is contemplated, or where the settlement is expected to involve a compromise of past or future response costs and the total response costs will exceed \$500,000. The Regions should consult with DOJ prior to releasing a draft consent decree to PRPs.

5. Timing of Notice for Removals

A removal notice that does not invoke the special notice procedures should be provided to PRPs as soon as practicable. For removal notices that invoke the special notice procedures, the notice should be issued as early as possible but no later than 120 days before the scheduled date for initiating the removal action. The scheduled date for initiating the removal action is the date removal extramural cleanup contractor funds will be obligated and onsite cleanup will begin.

The timing of a notice which invokes the special notice procedures is critical because issuance of the notice triggers the subsequent 60 to 120 day

moratorium on EPA conduct of the removal action. (The moratorium would last only 60 days in instances where the PRPs do not provide EPA with a "good faith offer"). Issuing the special notice at least 120 days before EPA will begin the removal ensures that the subsequent 120 day moratorium does not affect EPA's ability to implement the removal action in the event negotiations do not result in an agreement for PRP conduct of the removal action.

6. Recipients of Notice for Removals

The removal notice should be sent to all parties where there is sufficient evidence to make a preliminary determination of potential liability under section 107 of CERCLA. If a Federal agency has been identified as a generator at a facility not owned/operated by the Federal agency, such agency should be routinely notified like other PRPs.

Copies of removal notices should be provided to the Regional administrative record coordinator, the appropriate State representative, and to headquarters. Providing copies to the administrative record coordinator is important for ensuring that the notice be placed in the record. Providing copies to the State representative is important for ensuring that States are appropriately informed about possible future negotiations.

Providing copies to the Information Management Section within the Program Management and Support Office of the Office of Waste Programs Enforcement for entry into the Superfund Enforcement Tracking System (SETS). Copies should be sent to OWPE at the same time they are sent to PRPs. Providing copies to OWPE is essential for facilitating our efforts to track site activities and to respond to Congressional and other inquiries.

It is not necessary to provide copies of each removal notice to the administrative record coordinator, State representative, State or Federal trustee, or headquarters in instances where identical notices are provided to multiple PRPs. Where there are multiple PRPs at a site, a copy of one removal notice with a list of other parties who have received the letter would suffice.

7. Contents of Notice for Removals

As indicated, the content of the removal notice will vary depending upon whether the purpose of the letter is to simply inform PRPs of their potential liability or whether the letter will also be used to provide an opportunity for PRP involvement in negotiations either through "informal" or "formal"

negotiations. The following highlights the components that should be included in the three different types of removal notices. The specific content of each component of the removal notice should be essentially the same as described earlier for RI/FS and RD/RA general and special notices, except where otherwise specified.

a. *Notice of potential liability:* If the purpose of the removal notice is simply to inform PRPs of their potential liability and to provide notice that the Agency has or is about to take a response action, the notice should contain the following components: a notice of potential liability; a discussion about site response activities that have been or will be conducted at the site; a notice on the availability of an administrative record; and a notice pursuant to section 122(a) that the special notice procedures will not be used.

The notification under section 122(a) should inform PRPs that the Agency will not (or did not) use the section 122(e) special notice procedures for this particular response action and should provide an explanation for that decision. The letter should indicate that it is the Agency's policy not to use the special notice procedures for removals unless there is a six month planning lead time prior to the initiation of the response action. If the response action does involve a removal with a six month planning lead time but the Agency made a case-specific determination not to use the special notice procedures, the letter should provide an explanation why the use of such procedures was determined to be inappropriate for that particular response action.

b. *Notice of potential liability and opportunity to enter into "informal" negotiations:* If the purpose of the removal notice is to inform PRPs of their potential liability and to provide PRPs with an opportunity to enter into negotiations with EPA without invoking the section 122(e) special notice procedures, the notice should contain the following components: a notice of potential liability; a discussion about site response activities that will be conducted at the site; a copy of the statement of work or workplan and draft administrative order on consent; a notification pursuant to section 122(a) that the special notice procedures will

not be used; a request that PRPs notify EPA within a specified period of time of their interest to participate in negotiations; a notice on the availability of the administrative record; and information on the EPA representative to contact. The section 122(a) notification should contain the same information discussed in the preceding paragraph.

c. *Notice of potential liability and opportunity to enter into "formal" negotiations pursuant to section 122(e) special notice procedures:* If the purpose of the removal notice is to inform PRPs of their potential liability and to provide PRPs with an opportunity to enter into negotiations with EPA using the section 122(e) special notice procedures, the notice should contain the following components: a notice of potential liability; a discussion about site response activities that will be conducted at the site; a discussion about the special notice procedures and the negotiation moratorium; a copy of the statement of work or workplan and draft administrative order on consent; a discussion about what constitutes a "good faith offer"; a request that PRPs notify EPA within a specified period of time indicating their interest to participate in negotiations; a notice on the availability of the administrative record; and information on the EPA representative to contact. The "good faith offer" should contain essentially the same components as described above for the RD/RA.

B. Conclusion of Negotiation Moratorium and Deadline Management for Removals

At the conclusion of the section 122(e) negotiation moratorium for removal actions, the Regions should have a fully negotiated administrative order on consent which has been signed by the PRPs. (Where appropriate, a signed consent decree should be provided). A signed administrative order on consent (or a consent decree) will show that the negotiations have been successfully completed.

The expectation is that the negotiations will be concluded at the end of the 120 day moratorium and the Regions are strongly encouraged to conclude the negotiations within this period of time. In instances where the

negotiations do not result in an agreement, the Regions may seek an extension to the 120 day moratorium, issue an administrative order, or proceed with a Fund-financed removal. Note that the Regional Administrator may grant an extension to the 120 day moratorium only in limited and appropriate circumstances.

C. Administrative Orders and Negotiation Moratorium for Removals

In most instances, use of the special notice procedures for removal actions will not affect existing policy on issuing administrative orders for removals since the special notice procedures will be issued for only a small portion of removals. For details on the Agency's policy on administrative orders refer to the guidance on "Issuance of Administrative Orders for Immediate Removals" (2/21/84).

It is necessary, however, to modify existing policy in one respect. In instances where Regions use the special notice procedures for a removal action and where issuance of an administrative order is necessary and appropriate, the Regions should not issue the order until the end of the negotiation moratorium. This ensures that the negotiation moratorium will be used to negotiate voluntary settlements.

VII. Disclaimer

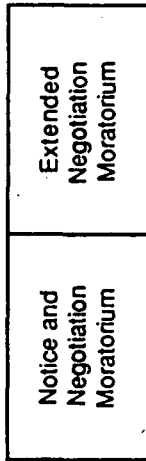
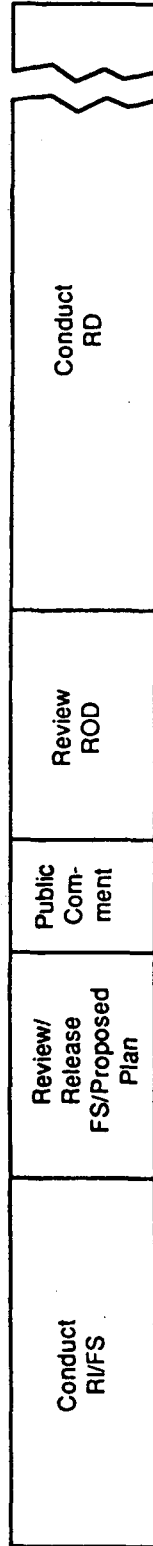
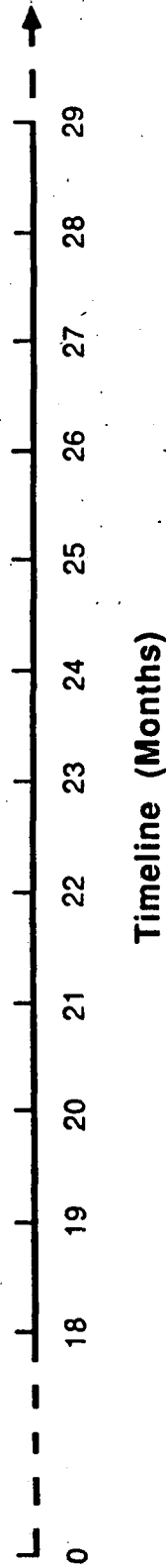
The policies and procedures established in this document are intended solely for the guidance of Government personnel. They are not intended and can not be relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with the United States. The Agency reserves the right to act at variance with these policies and procedures and to change them at any time without public notice.

VIII. For Further Information

For further information or questions concerning this guidance, please contact Kathy MacKinnon in the Office of Waste Programs Enforcement at FTS-475-6770.

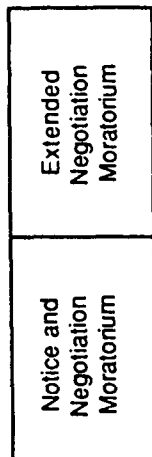
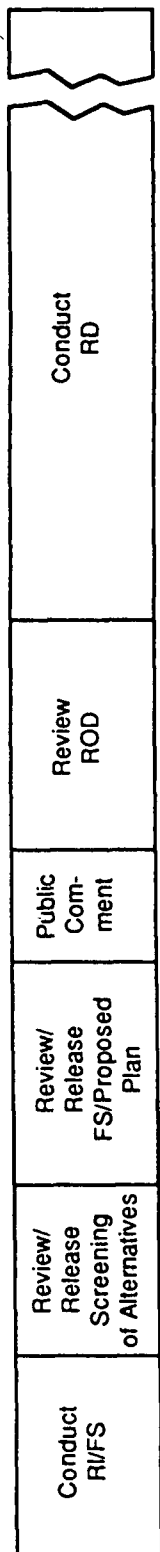
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Appendix A—Timing of RD/RA Special Notice Letter

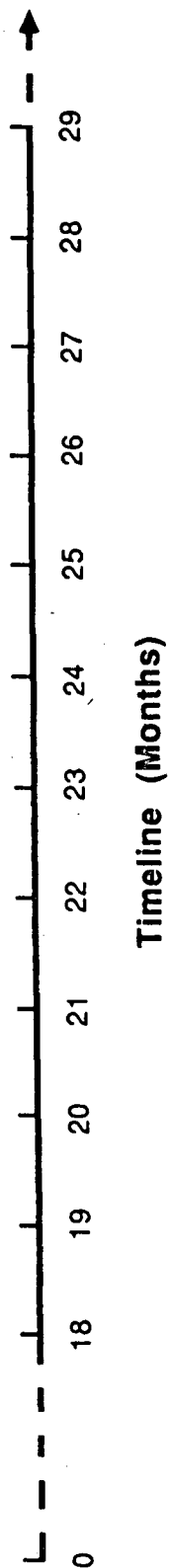
A. General Approach: Issue RD / RA Special Notice When Release Draft FS and Proposed Plan**Selection of Remedy Process****Special Notice / Negotiation Moratorium**

B. Alternative Approach: Issue RD / RA Special Notice Prior to Release of Draft FS and Proposed Plan

Selection of Remedy Process

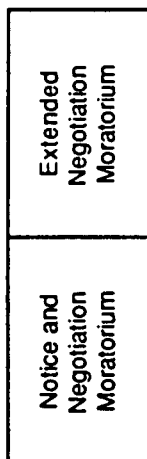


Special Notice / Negotiation Moratorium

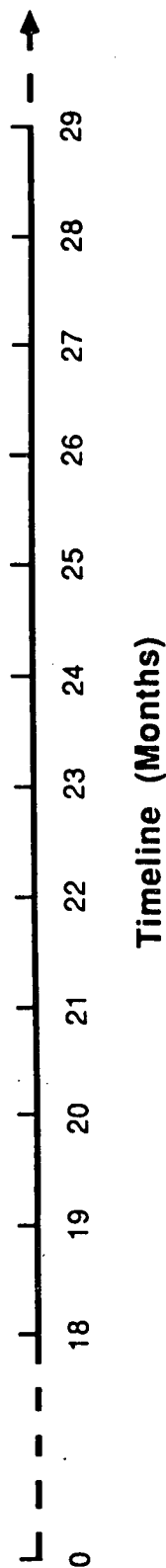


C. Alternative Approach: Issue RD / RA Special Notice Once ROD Signed

Selection of Remedy Process

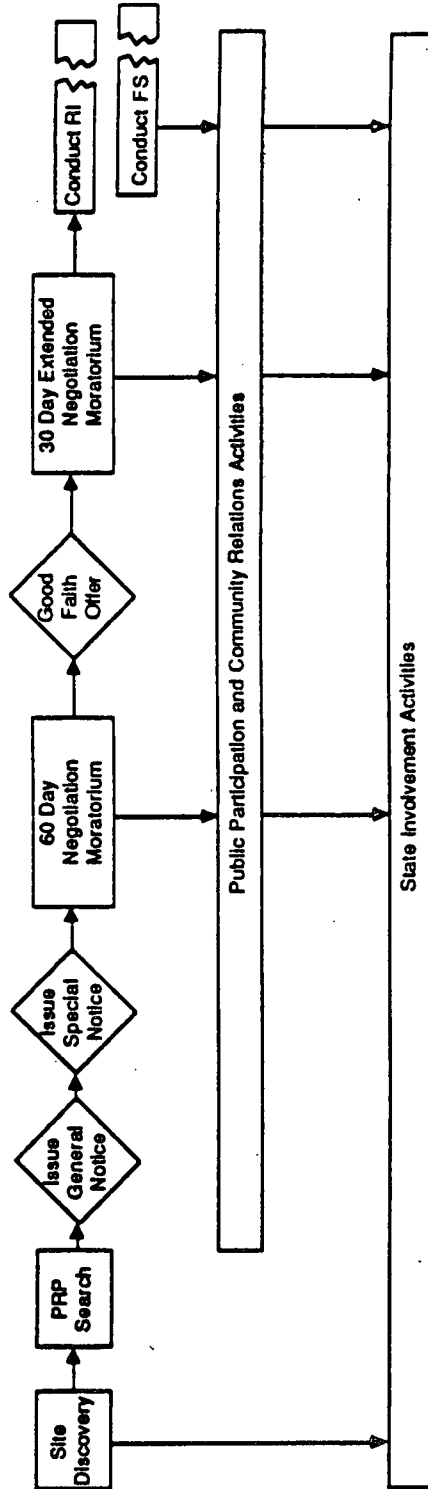


Special Notice / Negotiation Moratorium

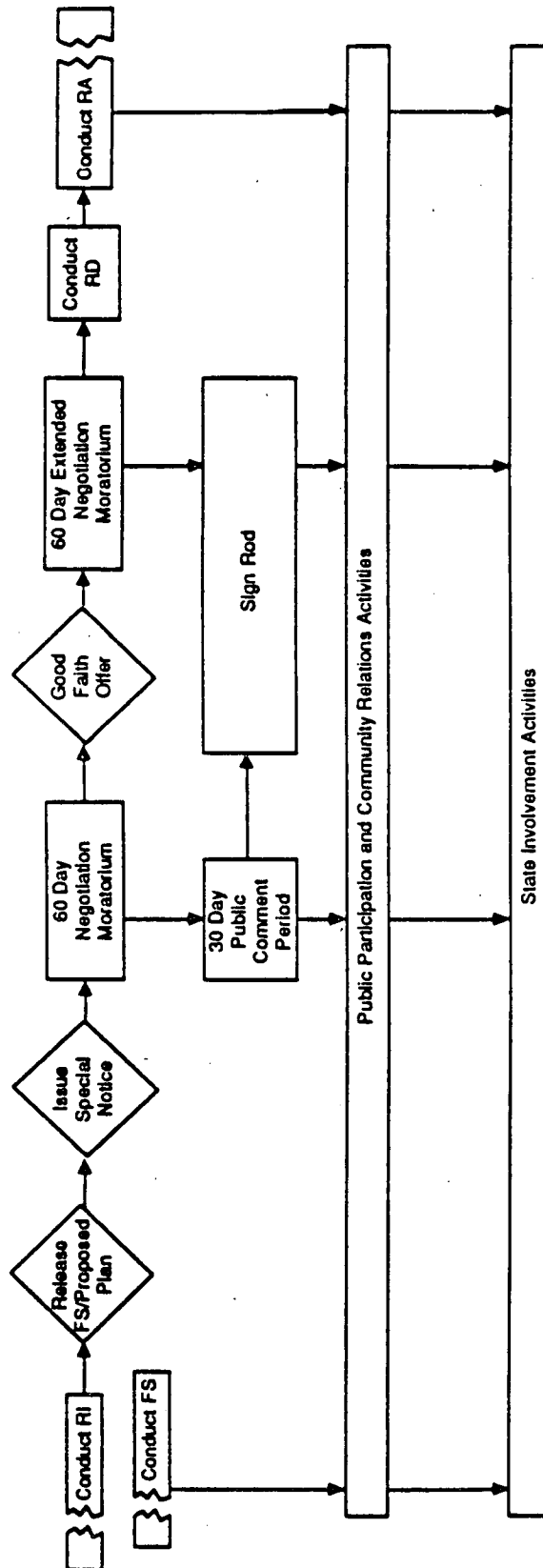


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Appendix B--PRP Settlement Process for RI/FS and RD/RA



PRP Settlement Process for RD / RA



[FR Doc. 88-3676 Filed 2-22-88; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Proceeding; Dennis H. Curley et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Dennis H. Curley; Topsham, ME.	BPH-860506NA	88-9
B. Bruce S. & Ruthanne F. Hamlin d/b/a/ Coastal Radio; Topsham, ME.	BPH-860507PV	
C. Peggy Lee Tallyn; Topsham, ME.	BPH-860507PW	
D. Kirkley Paige Beal; Topsham, ME.	BPH-860507PX	
E. Lights Communication Corporation; Topsham, ME.	BPH-860507PY	
F. Deborah Marie Brooks; Topsham, ME.	BPH-860502ME (DISMISSED)	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

1. Air Hazard, E
2. Comparative, A11
3. Ultimate, A11

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-3741 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Proceeding

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city/State	File No.	MM Docket No.
A. Donald E. Hilgendorf; Brookfield, Wisc..	BPH-861020TA	88-17
B. Tran Broadcasting Corporation, Incorporated; Brookfield, Wisc..	BPH-861020TB	
C. Randall H. Buchwald, et al. d/b/a New Media Enterprises; Brookfield, Wisc..	BPH-861020TE (DISMISSED)	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, ALL
2. Ultimate, ALL

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,
Assistant Chief, Audio Services Division,
Mass Media Bureau

[FR Doc. 88-3742 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM Docket No.
A. Edward M. Modlin; Ruckersville, VA.	BPH-851210MG	88-18
B. Radiox, Inc.; Ruckersville, VA.	BPH-851231MK	
C. Sandra Rae Robertson tr/as Robertson Broadcasting Company; Ruckersville, VA.	BPH-860102MJ	
D. Hartke Communications Corp.; Ruckersville, VA.	BPH-860102MK	
E. Blue Mountain Broadcasting; Ruckersville, VA.	BPH-860102ML	
F. PMK Partners I; Ruckersville, VA.	BPH-860102MN	
G. Genesis Communications and Judith L. Randolph; Ruckersville, VA.	BPH-860102NB	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicants name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. 1.65, G
2. Air Hazard, D
3. Comparative, A, B, C, D, E, F, G
4. Ultimate, A, B, C, D, E, F, G

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,
Assistant Chief, Audio Services Division,
Mass Media Bureau.

Appendix—Non-standardized Issues

1(a). To determine, the facts and circumstances surrounding Genesis' failure to timely update its application,

and whether Genesis violated 47 CFR 1.65

(b). To determine, in light of the facts adduced pursuant to issue (a) above, whether Genesis misrepresented facts to, or concealed information from, or attempted to mislead the Commission.

(c) To determine, in light of the facts adduced pursuant to issues (a) and (b) above, whether Genesis possesses the basic qualifications to be a licensee of the facilities sought here.

[FR Doc. 88-3743 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM Docket No.
A. Theresa P. Parrish; Summerland Key, FL.	BPH-860703MN	88-20.
B. Elaine B. Firestone d/b/a Saddlebunch Radio Company; Summerland Key, FL.	BPH-860707NI	
C. Don H. Barden; Summerland Key, FL.	BPH-860707NT	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 (May 29, 1986.) The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicants

1. Comparative, A-C
2. Ultimate, A-C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription

Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-3744 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM Docket No.
A. Rockledge Community Broadcasters, Inc.; Rutland, Vermont.	BPH-851206MH...	88-10
B. Rutland Community Broadcasting, Inc.; Rutland, Vermont.	BPH-851209MA...	
C. Edward G. Pickett and Carol L. Pickett, A General Partnership; Rutland, Vermont.	BPH-851209MB...	
D. Gary Kenny; Rutland, Vermont.	BPH-851209ML....	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, A, B, C, D
2. Ultimate, A, B, C, D

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW.,

Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-3745 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; Lloyd Spivey, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and State	File No.	MM Docket No.
A. Lloyd Spivey; Beaver Dam, KY.	BPH-870310KA	88-19
B. (Charles Black and Mary Alice Black d/b/a) Beaver Dam Broadcasting Company; Beaver Dam, KY.	BPH-870312MA
C. Michael Brent Ferguson; Beaver Dam, KY.	BPH-870312MD

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name above is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant

1. Cross-Interest, A
2. Comparative, A,B,C
3. Ultimate, A,B,C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW.,

Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division,
Mass Media Bureau.

[FR Doc. 88-3760 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1713]

Petitions for Reconsideration and Clarification of Actions in Rulemaking Proceedings

February 19, 1988.

Petitions for reconsideration and clarification have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202-857-3800). Oppositions to the petitions must be filed by March 10, 1988. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Services. (Gen Docket No. 87-112)

Number of petitions received: 5

Subject: Unlimited-Time Operation by Existing AM Daytime-Only Radio Broadcast Stations; Discontinuance of Authorization of Additional Daytime-Only Stations; Minimum Power of Class III Stations. (MM Docket No. 87-131)

Number of petitions received: 1

Federal Communications Commission.

H. Walker Feaster III,

Acting Secretary.

[FR Doc. 88-3926 Filed 2-22-88; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

AGREEMENT NO: 224-003368-006.

TITLE: Port of Palm Beach Terminal Agreement.

PARTIES:

Port of Palm Beach District
Eastern Cement Corporation, Inc.

SYNOPSIS: The proposed agreement modifies the terms and conditions of the basic agreement to set forth the rental rates, term and an option for additional premises along with a minimum wharfage guarantee.

By Order of the Federal Maritime Commission.

Tony P. Kominoth,
Assistant Secretary.

Dated: February 18, 1988.

[FR Doc. 88-3779 Filed 2-22-88; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-008090-031.

Title: Mediterranean North Pacific Coast Freight Conference.

Parties:

"Italia" di Navigazione, S.p.A./
d'Amico Societa di Navigazione per Azioni (Joint Service)

United Yugoslav Lines
Zim Israel Navigation Co., Ltd.

Synopsis: The proposed amendment would modify the agreement to conform with the requirements of the Canadian Shipping Conference Exemption Act, 1987, and would restate the agreement. The parties have requested a shortened review period.

Agreement No.: 202-008900-040.

Title: The "8900" Lines Agreement.

Parties:

National Shipping Company of Saudi Arabia
United Arab Shipping Company (S.A.G.)
Waterman Steamship Corporation
A.P. Moller-Maersk Line
Sea-Land Service, Inc.

Synopsis: The proposed amendment would modify the agreement to conform with the requirements of the Canadian Shipping Conference Exemption Act, 1987, and would restate the agreement. The parties have requested a shortened review period.

Agreement No.: 202-009238-018.

Title: Greece/United States Atlantic and Gulf Conference.

Parties:

Farrell Lines, Inc.
Sea-Land Service, Inc.
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would: (1) Change the name of the agreement to the Greece Westbound Conference, (2) modify the agreement to conform with the requirements of the Canadian Shipping Conference Exemption Act, 1987, and (3) restate the agreement. The parties have requested a shortened review period.

Agreement No.: 202-010776-024.

Title: Asia North America Eastbound Rate Agreement.

Parties:

American President Lines, Ltd.
Barber Blue Sea
Japan Line, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Lines
Mitsui O.S.K. Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Yusen Kaisha Line
Orient Overseas Container Line, Inc.
Sea-Land Service, Inc.
Showa Line, Ltd.
Yamashita-Shinnihon Steamship Co., Ltd.

Zim Israel Navigation Co., Ltd.

Synopsis: The proposed amendment would modify the agreement to conform with the requirements of the Canadian Shipping Conference Exemption Act, 1987, and would restate the agreement.

The parties have requested a shortened review period.

Agreement No.: 203-011171.

Title: Trans Freight Lines/Nedlloyd/Sea-Land Agreement.

Parties:

P & O Containers (TFL) Limited
("TFL")

Nedlloyd Lijnen, B.V. ("Nedlloyd")
Sea-Land Service, Inc.

Synopsis: The proposed agreement would permit the parties to charter vessels to and from one another and to and from others, to cross charter space, rationalize sailings, lease equipment and to share terminals in the trade between ports and points in the United States, Puerto Rico and the U.S. Virgin Islands, and ports and points in Europe, the United Kingdom and the Republic of Ireland, including European ports and points via Mediterranean ports. The agreement would permit the parties to discuss and agree upon rates under certain circumstances, although adherence to any agreed upon rates would be voluntary. It would also preclude the participation of TFL and Nedlloyd in the carriage or solicitation of U.S. military or other preference cargoes.

By Order of the Federal Maritime Commission.

Tony P. Kominoth,
Assistant Secretary.

Dated: February 18, 1988.

[FR Doc. 88-3780-Filed 2-22-88; 8:45 am]

BILLING CODE 6730-01-M

Section 18 Study; Formation of an Advisory Committee

AGENCY: Federal Maritime Commission.

ACTION: Notice of formation of an advisory committee.

SUMMARY: The Commission hereby announces the establishment of an Advisory Committee to make continuing recommendations on the conduct of a study to evaluate the impact of the Shipping Act of 1984. The committee will be comprised of representatives of interests affected by the Shipping Act of 1984, including representatives of conferences, ocean common carriers, non-vessel-operating common carriers, ocean freight forwarders, customs brokers, shippers, shippers' associations, ports, non-port marine terminal operators, and other transportation service firms. This notice also announces the time and place of the first Advisory Committee meeting, which will be open to the public.

DATE: The first meeting of the Advisory Committee will begin at 10:00 a.m. on March 24, 1988.

ADDRESS: The first meeting of the Advisory Committee will be held in the Hearing Room No. 1 at 1100 L Street, NW., Washington, DC 20573.

FOR FURTHER INFORMATION CONTACT:

Committee Chairperson, Commissioner Edward J. Philbin, Acting Chairman, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523-5715

Committee Executive Secretary, John Robert Ewers, Director, Bureau of Administration, 1100 L Street, NW., Washington, DC 20573, (202) 523-5866

Background

On July 8, 1987, the Commission published in the *Federal Register* (52 FR 25632) a notice of its intent to form an Advisory Committee. The notice indicated that the Commission was seeking public comment "on the formation of the Advisory Committee including the interests represented, the scope of its functions and the needs of the public that should be addressed." The Commission further indicated that any persons wishing to participate on the Advisory Committee should so indicate in their comments and advise "as to the interest they wish to represent and why they can adequately represent that interest."

The notice indicated that the Advisory Committee would consist of persons representing:

Shippers
Shippers' Associations
Ocean Common Carriers
Conferences
Ports
Non-port Marine Terminal Operators
Ocean Freight Forwarders/Customs Brokers
Non-Vessel-Operating Common Carriers, and
Transportation Service Firms

Committee Membership Selection

The Commission received 59 nominations from individuals and organizations involved in the maritime industry. From this group, the Commission has selected 32 committee members in addition to the two Commission representatives who will serve as Chairman and as Executive Secretary of the Advisory Committee. These selections were based on criteria designed to establish adequate representation of each of the relevant maritime industries, while keeping the number of representatives within reasonable limits that would allow a manageable and productive advisory

body. Geographic balance within the industry groups, diversity of commodities, varied organizational sizes, and concern for trade routes of importance to the section 18 study were major factors in the selection.

Accordingly, the following individuals are selected to serve on the Federal Maritime Commission's Advisory Committee on the Section 18 Study:

Federal Maritime Commission's Advisory Committee

Shippers:

Anthony Barone—Warner-Lambert Company, Morris Plains, NJ
Stanley W. Brown—Motor Vehicles Manufacturers Association, Detroit MI
John G. Kauffman—Weyerhaeuser Company, Tacoma, WA
Darryl Mollenhauer—Lamb-Weston, Inc., Portland, OR
Robert Rickert—E.I. Dupont Company, Wilmington, DE
Roger Wigen—3M Corporation, St. Paul, MN

Shippers' Associations:

Robert Buckingham—First International Shippers Association, Seattle, WA
Ronald N. Cobert—American Institute for Shippers' Associations, Washington, DC
Geoffrey N. Giovanetti—Wine and Spirits Shippers Association, Inc., Reston, VA

Carriers:

Michael Diaz—American President Lines, Oakland, CA
Raymond P. Ebeling—Sea-Land Services, Inc., Iselin, NJ
John McFarlane—Atlantic Container Line, New York City, NY
Toshio Nishioka—Mitsui O.S.K., New York City, NY
Peter G. Sandlund—Council of European and Japanese Shipowners' Associations, Washington, DC
William P. Verdon—United Shipowners of America, Washington, DC

Conferences:

Manuel Diaz—U.S. Atlantic-North Europe Conference, New York City, NY
Ronald B. Gottshall—Trans-Pacific Westbound Rate Agreement, San Francisco, CA
John L. Morris—Inter-American Freight Conference, New York City, NY
Stanley O. Sher—Dow, Lohnes & Albertson, Washington, DC

Port Authorities:

James J. O'Brien—Port of Oakland, Oakland, CA

Robert N. Steiner—Port Authority of New York and New Jersey, New York City, NY

R. Erik Stromberg—American Association of Port Authorities, Alexandria, VA

Non-Port Marine Terminal Operators:

Stephen T. Rudman—Matson Terminals, Inc., San Francisco, CA

Francis A. Scanlan—Port of Philadelphia Marine Terminal Association, Philadelphia, PA

Thomas D. Wilcox—National Association of Stevedores, Washington, DC

M.A. Woodall, Jr.—Lambert's Point Docks, Norfolk, VA

Freight Forwarders/Customs Brokers:

Frank Dausz—George S. Bush Company, Portland, OR

Arthur J. Fritz, Jr.—The Fritz Companies, Inc., San Francisco, CA

James Rendeiro—F.W. Meyers and Company, Inc., New York City, NY

William St. John, Jr.—W.R. Zanes & Co. of Louisiana, New Orleans, LA

NVOCCs:

Raymond P. deMember—International Association of NVOCCs, Fairfax, VA

Transportation Service Firms:

R.D. Vinick—Distribution Publications, Inc., Oakland, CA

Committee Activities

The members of the Advisory Committee on the Section 18 Study will meet publicly to review, comment on, and give appropriate advice concerning all aspects of the five-year study that the Commission is conducting under the mandate of section 18 of the Shipping Act of 1984. They will be asked to advise the Commission on what issues are important for the Commission to research in its study of the impact of the Shipping Act of 1984, the scope of questions that should be addressed, the adequacy of the Commission's present research approaches, and possible alternative research approaches and data sources.

The Commission believes that the Advisory Committee would serve an important public interest because it would afford all elements of the maritime shipping community and the public they serve an opportunity to advise the Commission as to the most appropriate method of conducting its study of the consequences of the Shipping Act. The Commission deems such input from the maritime shipping community to be necessary to achieve an efficient and thorough research process and product.

Committee Meetings

The first meeting of the Advisory Committee is scheduled for 10:00 a.m. on March 24, 1988 at the main hearing room of the Federal Maritime Commission, located on the 1st floor of 1100 L St., NW., Washington, DC. The agenda for the meeting is given below.

Agenda for First Section 18 Advisory Committee Meeting: March 24 and 25, 1988, FMC Headquarters, Washington, DC

1. Welcome Address by FMC Acting Chairman Edward J. Philbin.
2. Administrative Matters.
3. Advisory Committee Act.
4. Role of the Advisory Committee.
5. Briefing on the Purpose of Section 18 and the Study Process.
6. Study Methods Briefing.
7. Discussion of FMC/USC Symposium.
8. Discussion on Additional Research Areas.
9. Suggested Topics for Discussion at, and Date for, Next Committee Meeting.
10. Any Other Business.

The meeting will be open to the public, and a reasonable but limited amount of public seating will be provided. Members of the public may file a written statement with the Advisory Committee at that time. Any member of the public who wishes to speak at the meeting must notify the Advisory Committee's Executive Secretary, John Robert Ewers, in writing no later than 5 days prior to the date of the meeting.

Joseph C. Polking,

Secretary.

[FR Doc. 88-3793 Filed 2-22-88; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

February 17, 1988.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR § 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

For Further Information Contact:
Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202-452-3822)

OMB Desk Officer—Robert Fishman—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, (202-395-7340)

Proposal to approve under OMB delegated authority the extension, with revision, of the following reports:

1. *Report title:* Report of Condition for Foreign Subsidiaries

Agency form number: FR 2314

OMB Docket number: 7100-0073

Frequency: Annual

Reporters: Foreign subsidiaries of U.S. Member Banks, Bank Holding Companies, and Edge or Agreement Corporations

Annual reporting hours: 6606.

Small businesses are not affected.

General description of the report:

This report is required by law (12 U.S.C. 324, 1844(c), 602, and 625) and is given confidential treatment (5 U.S.C. 552(b)(4) and (b)(8)).

This report provides the only source of comprehensive and systematic data on the assets and liabilities of foreign subsidiaries of U.S. banking organizations. The data are used to monitor the growth and activities of the subsidiaries and to supervise the overall operations of the parent institutions. Its extension is proposed with minor revisions to tailor the forms to each company's reporting requirements, and to request identification of subsidiaries on consolidated reports.

2. *Report title:* Annual Report of Foreign Banking Organizations; Foreign Banking Organization Confidential Report of Operations

Agency form number: FR Y-7; FR 2068

OMB Docket number: 7100-0125

Frequency: Annual

Reporters: Foreign banking organizations

Annual reporting hours: 10,858

Small businesses are not affected.

General description of report: These reports are required by law (12 U.S.C. 1844(c), 3106 and 3108(a)) and are given confidential treatment (5 U.S.C. 552(b)(8)).

These reports request financial and structural information on foreign banking organizations and their U.S. activities in order to assess their ability to serve as a source of strength to their U.S. operations and to determine compliance with the Bank Holding Company Act and International Banking Act. They are proposed to be extended with minor technical changes and instructional clarifications, including the incorporation into the forms of items

approved in 1986 and currently collected on supplementary sheets.

Board of Governors of the Federal Reserve System, February 17, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-3720 Filed 2-22-88; 8:45 am]

BILLING CODE 6210-01-M

**First National Holding Co., Inc.;
Acquisition of Company Engaged in
Permissible Nonbanking Activities**

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 14, 1988.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First National Holding Company, Inc.*, Fullerton, Nebraska; to acquire Black Insurance Agency, Fullerton,

Nebraska, and thereby engage in insurance agency activities in a town with a population not exceeding 5,000 pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. This activity will be conducted in Nance County, Nebraska.

Board of Governors of the Federal Reserve System, February 17, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-3721 Filed 2-22-88; 8:45 am]

BILLING CODE 6210-01-M

**Key Centurion Bancshares, Inc., et al.;
Formations of; Acquisitions by; and
Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulations Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement or why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 14, 1988.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Key Centurion Bancshares, Inc.*, Charleston, West Virginia; to acquire 100 percent of the voting shares of The Lincoln National Bank of Hamlin, Hamlin, West Virginia.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Jackson Hole Bancshares Corporation*, Jackson, Wyoming; to become a bank holding company by acquiring 83.91 percent of the voting

shares of Bank of Jackson Hole, Jackson, Wyoming.

Board of Governors of the Federal Reserve System, February 17, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-3722 Filed 2-22-88; 8:45 am]

BILLING CODE 6210-01-M

**Change in Bank Control; Acquisition of
Shares of Banks or Bank Holding
Companies; M.F. Jarvis Trust et al.**

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 10, 1988.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President), 925 Grand Avenue, Kansas City, Missouri 64198.

1. *M.F. Jarvis Trust*, Winfield, Kansas; First National Bank of Winfield, Kansas, and Janet J. Reid, Winfield, Kansas, beneficiary of M.F. Jarvis Trust; to retain 25.32 percent of the voting shares of First National Bancshares of Winfield, Inc., Winfield, Kansas, and thereby indirectly acquire First National Bank of Winfield, Winfield, Kansas.

Board of Governors of the Federal Reserve System, February 17, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-3723 Filed 2-22-88; 8:45 am]

BILLING CODE 6210-01-M

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

Food and Drug Administration

[Docket No. 87G-0406]

**Imperial Biotechnology, Ltd.; Filing of
Petition for Affirmation of GRAS
Status**

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a petition (GRASP 8G0335) has been filed on behalf of Imperial Biotechnology, Ltd., proposing that aminopeptidase from *Lactococcus lactis* is generally recognized as safe (GRAS) as a direct human food ingredient.

DATE: Comments by April 25, 1988.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5)) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 8G0335) has been filed on behalf of Imperial Biotechnology, Ltd., Imperial College Road, South Kensington, London SW, 72BT, England, proposing that aminopeptidase from *Lactococcus lactis* is GRAS as a direct human food ingredient.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the requirements outlined in § 170.35 is filed by the agency. There is no prefilings of review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Interested persons may, on or before April 25, 1988, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (address above). Comments should include any available information that would be helpful in determining whether this substance is or

is not GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 11, 1988.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88-3782 Filed 2-22-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88M-0019]

IMRE Corp.; Premarket Approval of the Prosorba® Column

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by IMRE Corp., Seattle, WA, for premarket approval, under the Medical Device Amendments of 1976, of the Prosorba® Column. After reviewing the recommendation of the Gastroenterology-Urology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant of the approval of the application.

DATE: Petitions for administrative review by March 24, 1988.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Frank S. Casciani, Center for Devices and Radiological Health (HFZ-420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7750.

SUPPLEMENTARY INFORMATION: On July 1, 1985, IMRE Corp., Seattle, WA 98109, submitted to CDRH an application for premarket approval of the Prosorba® Column. The device is an immunoadsorption affinity column for removing immune complexes from plasma of patients with idiopathic thrombocytopenic purpura. Prosorba® Column is indicated for use in the therapeutic removal of immunoglobulin G (IgG) and IgG-containing circulating immune complexes from plasma in patients with idiopathic thrombocytopenic purpura having platelet numbers less than 100,000 per cubic millimeter.

On July 29, 1986, the Gastroenterology-Urology Devices Panel, and FDA advisory committee,

reviewed and recommended approval of the application. On December 23, 1987, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Frank S. Casciani (HFZ-420), address above.

Opportunity for administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and details.

Petitioners may, at any time on or before March 24, 1988 file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information identified with the name of the device and the docket number found in brackets in the heading of this documents. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs.

515(d), 520(h), 90 Stat. 554-555, 571 (21 U.S.C. 360(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53)

Dated: February 12, 1988.

James S. Benson,

Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 88-3783 Filed 2-22-88; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, as amended most recently in pertinent parts at 45 FR 33729, May 20, 1980, and 50 FR 51606, December 18, 1985) is amended to reflect organizational and functional changes in the Office of Management and Operations, Office of the Commissioner. The automatic data processing (ADP) support and systems analysis functions within the Division of Management Systems and Policy are being transferred to the Division of Information Resources Management. The functional statements for the Parklawn Computer Center are also being updated to better reflect the activities of the Center.

Section HF-B, Organization and Functions is amended as follows:

1. Delete subparagraph (h-3) *Division of Management Systems and Policy (HFA76)*.

2. Insert a new subparagraph (h-3), *Division of Management Systems and Policy (HFA76)* reading as follows:

(h-3) *Division of Management Systems and Policy (HFA76)*. Provides leadership and direction in the effective and efficient use of agency resources; provides agencywide consulting services in organization and operations analysis and in the analysis, design, implementation, and maintenance of operating procedures

Provides central FDA control for delegations of authority and maintains control files of delegations to and within the agency.

Conducts agencywide organization, management, and industrial engineering studies; designs and recommends systems and procedures; develops and recommends policy to implement study conclusions.

Receives, examines, evaluates, and processes all documents and correspondence required or permitted in agency administrative rulemaking procedures; distributes this material to appropriate agency components.

3. Delete subparagraph (h-5) *Parklawn Computer Center (HFA79)*.

4. Insert a new subparagraph (h-5) *Parklawn Computer Center (HFA79)* reading as follows:

(h-5) *Parklawn Computer Center (HFA79)*. Operates and manages the central computer facility in the Parklawn complex performing fee-for-service ADP functions for the Department of Health and Human Services and other federal components as resources permit.

Develops operational policy and procedures and provides technical support for scientific and administrative information systems.

Develops short-and long-range ADP plans to make the best possible use of resources and to consider new ADP systems methodologies.

Reviews and makes recommendations on hardware, software, and service procurements by serviced agencies to assure equipment compatibility and conformance with established policies and procedures.

Designs, develops, and operates the Departmental Information Management Exchange Systems (DIMES), the departmental nationwide data communications network.

Develops and operates a Center Performance Management Program to evaluate hardware utilization and measure workload processed to assure optimum operation.

Consults with other Federal agency components and private sector organizations to be aware of current ADP developments.

5. Delete subparagraph (h-8) *Division of Information Resources Management (HFA73)*.

6. Insert a new subparagraph (h-8) *Division of Information Resources Management (HFA73)* reading as follows:

(h-8) *Division of Information Resources Management (HFA73)*. Supervises major information resources management functions, including standards development, systems management, telecommunications, and development of an ADP and telecommunications plan and budget.

Develops standards to assist in linking data and systems across center and program lines.

Provides agency telecommunications.

Designs, implements, and coordinates a planning process that results in an agency 5-year ADP and

telecommunications plan with annual updates.

Advises the Commissioner on information resources management issues.

Represents the agency to the Office of the Assistant Secretary for Health and the Office of the Secretary on information resources management.

Reviews and approves all Agency Procurement Requests, contract proposals, Interagency Agreements, and requisitions involving telecommunications and automated systems.

Provides consultation, technical advice, and assistance in the selection and use of equipment, options, and services to process information.

Directs the agency's DP Security Program.

Provides systems analysis, programming, and office automation support for the staff offices of the Commissioner.

Date: February 16, 1988.

Wilford J. Forbush,

Director, Office of Management, PHS.

[FR Doc. 88-3788 Filed 2-22-88; 8:45 am]

BILLING CODE 4160-01-M

Office of the Assistant Secretary for Health; Statement of Organization, Functions and Delegations of Authority

Part H, Public Health Service (PHS), Chapter HA (Office of the Assistant Secretary for Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (DHHS) (42 FR 61318, December 2, 1977, as amended most recently at 52 FR 31821, August 8, 1987) is amended to reflect a realignment of several functions in the Administrative Services Center, Office of Management, Office of the Assistant Secretary for Health (ASC/OM/ OASH).

Office of the Assistant Secretary for Health

Under Chapter HA, Office of the Assistant Secretary for Health, Section HA-20, Functions, Office of Management (HAU), delete the title and statement for the Division of Acquisitions Management (HAU16), in its entirety and substitute the following:

Division of Acquisitions Management (HAU16)

The Director of the Division of Acquisitions Management provides centralized program and administrative acquisition and related services, including analysis, evaluation, and

recommendation of policy and procedures for the Office of the Assistant Secretary for Health (OASH), PHS agencies and field health facilities nationwide, and the Family Support Administration, as OPDIV in the Office of the Secretary, DHHS, with offices nationwide. Provides centralized contracting services for ADP, program, and administrative requirements including information processing and telecommunications resources. Directs and coordinates a centralized acquisition program for the purchase of all supplies, equipment, and services from mandatory sources (Federal Supply Schedules and other Government agencies), open market, or by contract, either sealed bid or negotiated. Provides contract audit and financial review services and control of fraud, waste, and abuse. Provides analysis and evaluation services, develops procedures and recommends policy for administration of the acquisition program and works with the many Federal organizations to insure all laws and regulations are properly interpreted and implemented.

Date: January 29, 1988.

Wilford J. Forbush,

Director, Office of Management, PHS

[FR Doc. 88-3789 Filed 2-22-88; 8:45 am]

BILLING CODE 4160-17-M

Social Security Administration

Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (HHS) covers the Social Security Administration (SSA). Chapter S6 covers the Office of the SSA Chief Financial Officer; Subchapter S6B covers the Office of Program and Integrity Reviews and Subchapter S6C covers the Office of Financial Policy and Operations. Notice is given of the establishment in the Office of Program and Integrity Reviews (Subchapter S6B) of the following: (1) In the Office of Insurance Program Quality establish the Division of Retirement and Survivors Insurance (RSI) Quality Reports and Analysis, and the Division of RSI Policy and Quality Assurance Procedural Management; (2) in the Office of Assistance Program Quality establish the Division of Reports and Data Management and the Division of Policies and Procedures and (3) in the Office of Disability Program Quality establish the Division of Disability Quality Policy and Procedures, the Division of Disability Quality

Operations and Division of Disability Reports, Analysis and Special Studies.

Notice is also given of the establishment in the Office of Financial Policy and Operations (Subchapter S6C) of the following: (1) in the Office of Financial Policy and Systems Design establish the Division of Financial Policy and Standards, the Division of Financial/Administrative Systems and the Division of Internal Control and Security and (2) in the Office of Financial Operations establish the Division of Program Accounting Operations and the Division of Finance. The new material in Subchapter S6B is as follows:

Section S6B.10 *The Office of Program and Integrity Reviews—(Organization):*

D. The Office of Insurance Program Quality (S6BA)

Add:

1. The Division of RSI Quality Reports and Analysis (S6BA1).
2. The Division of RSI Policy and Quality Assurance Procedural Management (S6BA2).

E. The Office of Assistance Program Quality (S6BB)

Add:

1. The Division of Reports and Data Management (S6BB1).
2. The Division of Policies and Procedures (S6BB2).

F. The Office of Disability Program Quality (S6BC)

1. The Division of Disability Quality Policy and Procedures (S6BC1).
2. The Division of Disability Quality Operations (S6BC2).
3. The Division of Disability Reports, Analysis and Special Studies (S6BC3).

Section S6B.20 *The Office of Program and Integrity Reviews—(Function):*

D. The Office of Insurance Program Quality (S6BA)

Add:

1. The Division of RSI Quality Reports and Analysis (S6BA1):
 - a. Reports on the quality of SSA's RSI program and the nonmedical aspects of the Disability Insurance (DI) program.
 - b. Analyzes results of continuing targeted and user support quality review studies of current claims, postadjudicative actions and ongoing payments. Based on these analyses, issues statistical and narrative reports that include recommendations for improving payment accuracy, electronic data processing (EDP) systems, operational processes, component performance and manpower utilization.

c. Designs and maintains a reporting system to communicate quality findings to management officials who need the information.

d. Designs and develops sampling methods and techniques, statistical measures and methods of statistical evaluation for the efficient and valid measurement of the quality of the RSI and DI nonmedical phases of SSA programs.

e. Designs, develops and conducts tests of current and alternative quality review methodologies. Prepares data analysis plans and analyzes test results to determine more effective, efficient and cost-beneficial methods of conducting payment-accuracy/quality reviews.

f. Develops a program for selecting and conducting quality reviews for Social Security number issuance, earnings maintenance functions and other SSA functions that cross program lines. Provides analysis and recommendations and monitors implementation of recommendations.

2. The Division of RSI Policy and Quality Assurance Procedural Management (S6BA2):

a. Plans, directs and coordinates the development of technical and operational procedures necessary to implement and maintain a nationwide program for the review of the quality of the RSI program.

b. Maintains an ongoing sample consistency review of all RSI quality review cases to evaluate and analyze the effectiveness of RSI quality review procedures and compliance with the procedures.

c. Reviews new operating policies, procedures, regulations and legislative proposals concerning the RSI program for impact on payment quality and on the uniformity and equity of national instructions.

d. Evaluates RSI claims policies for establishing entitlement and continuing eligibility for benefits, and assures that evidential and procedural requirements are uniform and equitable with respect to all applicants and beneficiaries.

e. Conducts a continuing quality review of and issues reports on the nondisability aspects of the initial claims and postadjudicative actions connected with the disability and foreign claims programs.

E. The Office of Assistance Program Quality (S6BB)

Add:

1. The Division of Reports and Data Management (S6BB1):

a. Designs and produces quality review reports on claims, posteligibility

and redetermination actions, and on payment and eligibility accuracy of the SSI Program.

b. Analyzes reports and data, and identifies deficiency trends, anomalies, irregularities and weaknesses in Supplemental Security Income (SSI) program and operations quality. Evaluates findings to ascertain probable causes and recommends improvements in EDP systems, operational processes and component performance.

c. Establishes requirements for the Program and Integrity Field Offices (PIFO) reporting and monitors quality of the PIFOs' SSI analyses and reports, and manages the Office of Assistance Program Quality interaction with the PIFOs for all dealings in program operations and quality review study/evaluation.

d. Monitors changes in SSI policy, specifically with regard to their impact on quality review operations and systems and initiates changes and enhancements of existing SSI quality review automated data processing (ADP) systems.

e. Designs and develops sampling methods and techniques for SSI payment and process accuracy review programs. Provides technical guidance in areas related to sample size design and procedures for the SSI quality review programs.

f. Provides ongoing technical planning and support to the Office of Program and Integrity Reviews (OPIR) components and the PIFOs in developing, maintaining and improving an OPIR communication and data processing system.

g. Monitors ADP equipment utilization and data needs for the purpose of identifying equipment needs.

h. Prepares reports and data regarding Federal Fiscal Liability (FFL) to States and prepares fiscal year FFL estimates.

2. The Division of Policies and Procedures (S6BB2):

a. Designs, develops and promulgates the procedures and forms necessary to implement and maintain a nationwide program for the continuing review of the accuracy and quality of ongoing SSI payments and the claims adjudication processes.

b. Maintains current SSI quality review procedures and related instructions to be employed in the case review processes, and reviews supplemental SSI quality review procedures developed by the PIFOs for consistency with national policies.

c. Maintains an ongoing sample consistency review of all SSI quality review cases to evaluate and analyze the effectiveness of SSI quality review

procedures and compliance with the procedures.

d. Determines the need for SSI quality review process training and technical assistance, and develops national level SSI quality review technical training policies, materials and resources. Reviews technical training materials developed by the PIFOs for consistency and possible national implementation.

F. The Office of Disability Program Quality (S6BC)

Add:

1. The Division of Disability Quality Policy and Procedures (S6BC1):

a. Develops disability quality review policy, procedures, forms and instructions for use by State and Federal components in payment and adjudicative process consistency and preeffectuation reviews.

b. Identifies error-prone and user-support type case review workloads, and plans targeted sampling procedures to produce appropriate quality review data. Verifies production of sample levels for targeted reviews. Provides sampling intervals for use by State agencies in their quality review operations.

c. Studies the adjudication and payment quality review programs, and modifies them to accommodate new workloads or to improve quality of the data.

d. Develops sampling techniques for adjudication and payment process quality reviews. Modifies sampling to insure validity of data and to respond to disability program and quality review program changes.

e. Provides technical guidance and support to the PIFOs in regard to disability quality review operations. Develops technical training package and programs for workload, policy or procedural changes.

2. The Division of Disability Quality Operations (S6BC2):

a. Conducts quality reviews of the substantive and technical aspects of a sample of initial disability claims, reconsiderations and continuing disability investigations adjudicated and authorized by the Office of Disability Operations.

b. Conducts consistency quality reviews of a sample of cases given a quality or preeffectuation review by Disability Analysis Branches in the PIFOs. These cases include initial claims, reconsiderations and continuing disability investigations.

c. Reviews samples of types of disability cases that have been identified as error-prone or policy, procedural or operational problems.

Prepares analytical reports and corrective action recommendations.

3. The Division of Disability Reports, Analysis and Special Studies (S6BC3):

a. Plans and issues periodic reports related to the quality of disability payment and eligibility processes for the Title II and Title XVI disability programs.

b. Analyzes data to identify repetitive and significant errors to determine their causes and costs and to target areas needing study to determine corrective action.

c. Determines the need for, and designs special studies to supplement regular reports of disability quality reviews. Coordinates, reviews and evaluates these studies, and assists field offices in the development of field-initiated studies.

d. Works with program components in the identification of user requirements for various types of profiles and the implementation and evaluation of profiles.

e. Develops specifications for data processing and data bases used in quality review operations and for automated sample selection process. Monitors the realization of selected yields.

The new material in Subchapter S6C is as follows:

Section S6C.10 *The Office of Financial Policy and Operations—(Organization):*

D. The Office of Financial Policy and Systems Design (S6CA)

Add:

1. The Division of Financial Policy and Standards (S6CA1).

2. The Division of Financial/Administrative Systems (S6CA2).

3. The Division of Internal Control and Security (S6CA3).

E. The Office of Financial Operations (S6CB)

Add:

1. The Division of Program Accounting Operations (S6CB1).

2. The Division of Finance (S6CB2).

Section S6C.20 *The Office of Financial Policy and Operations—(Functions):*

D. The Office of Financial Policy and Systems Design (S6CA)

Add:

1. The Division of Financial Policy and Standards (S6CA1) defines the requirements that all SSA financial systems and processes must meet to ensure Agency compliance with statutory requirements for administrative control of funds and with the accounting principles and internal

control standards prescribed by the Comptroller General of the United States and the Federal Managers' Financial Integrity Act.

2. The Division of Financial/Administrative Systems (S6CA2) provides systems analysis and support for SSA's Integrated Financial/Administrative and other financial systems operated by the SSA Chief Financial Officer (SSACFO), including the accounting, administrative payments/collections and travel management functions of the SSACFO; the purchasing, contracting, property management and supply management functions of the Office of Information Management, Acquisition and Logistics and related functions of managers SSA-wide.

3. The Division of Internal Control and Security (S6CA3) directs the operation of the internal control program that ensures the security, integrity, accuracy and accountability of SSA's operational and administrative processes. It develops internal control and security policies and provides educational training and awareness programs to inform management and employees of policy and requirements.

E. The Office of Financial Operations (S6CB)

Add:

1. The Division of Program Accounting Operations (S6CB1) provides leadership and direction to SSA's program accounting operations which includes accounting for program revenues, benefit payments, benefit overpayments and losses and analysis and reporting of Agency costs, workloads and productivity.

2. The Division of Finance (S6CB2) directs SSA's central accounting, reporting and fiscal service operations and develops Agency policy and procedures on fiscal operations. It monitors benefits outlays and informs the U.S. Treasury on needed financial arrangements to cover benefit payments. It provides cash advances to State Disability Determination Services. It manages SSA's administrative payments, claims, collections, travel and related record handling. The Division is also responsible for detecting and resolving all nonbeneficiary debts owed SSA and referring uncollectible debts to the Office of General Counsel.

In addition it provides advisory services to SSA management on the

legality and propriety of proposed expenditures.

Dale W. Sopper,

Acting Deputy Commissioner for Management.

[FR Doc. 88-3736 Filed 2-22-88; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Availability of a Draft Environmental Impact Statement for the Aptus Industrial and Hazardous Waste Treatment Facility, Utah

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the Draft Environmental Impact Statement (DEIS), and notice of public hearings.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, BLM has prepared a DEIS on the Aptus Industrial and Hazardous Waste Treatment Facility proposed for Tooele County, Utah.

This DEIS analyzes the environmental impacts of the proposed transfer, storage, and incineration facility, and the transportation and utility corridors, through construction, operation, and closure. It addresses the impacts of Aptus' Proposed Action (the Aragonite Alternative); the Skunk Ridge Alternative; the Clive Alternative; the Aragonite and Clive Alternative; and the No Action Alternative. All sites are located in Tooele County, approximately 70 miles west of Salt Lake City along Interstate Highway 80. The DEIS also addresses the amendment of BLM's Tooele Management Framework Plan to allow a proposed land exchange to take place.

The incinerator would be designed to thermally destruct both "hazardous" chemical waste materials, as defined under the Resource Conservation and Recovery Act (RCRA) and "toxic" chemical waste materials, as defined under the Toxic Substance Control Act (TSCA). The proposed facility would incinerate up to 10 tons of wastes per hour at approximately 7,000 operating hours per year. The transfer and storage area would operate 365 days a year, 24 hours a day. While the actual facility is proposed to be constructed on private land, the transportation and utility corridors would cross Federal land administered by the BLM. A land exchange is also proposed as part of all alternatives except No Action.

A limited number of DEISs are available upon request at the following BLM offices:

Utah State Office, 324 South State, Suite 301, CFS Building, Salt Lake City, Utah 84111-2303.

Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119.

Public reading copies are also available at public libraries in Salt Lake City, Wendover, Tooele, and Grantsville, Utah.

Public hearings to receive oral and/or written comments on the DEIS will be held at 7 p.m. at the following locations:

March 16, 1988

Tooele County Courthouse
47 South Main
Tooele, Utah

March 17, 1988

Salt Lake County Commission
Chambers
Salt Lake County North Building
Room N 1100,
2001 South State Street
Salt Lake City, Utah

Comments will be accepted until April 28, 1988 and should be sent to: Mr. Dean Zeller, Salt Lake District Manager, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119.

FOR FURTHER INFORMATION CONTACT:

Ms Margaret Kelsey at (801) 524-3128,
Mr. John Stephenson at (801) 524-6762.

Date: February 12, 1988.

Kemp Conn,

Acting State Director.

[FR Doc. 88-3735 Filed 2-22-88; 8:45 am]

BILLING CODE 4310-00-M

[AA-610-08-4111-02]

Known Geologic Structure (KGS) Quality Assurance; Audit Report on 32 KGS Classifications

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability and Request for Comments.

SUMMARY: The purpose of this notice is to inform the public of the availability of an audit report on KGS classifications and to solicit public comment on the report and on BLM KGS procedures in general.

DATE: Written Comments: All interested persons are invited to submit written comments by April 8, 1988.

ADDRESSES: Requests for copies of the audit report as well as any comments on the report and Bureau KGS procedures should be directed to the Division of Fluid Mineral Lease and Reservoir

Management (610), Bureau of Land Management, U.S. Department of the Interior, 18th and C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT:

John W. Bebout, Chief, Branch of Reservoir Management, Bureau of Land Management, (202) 653-2263.

SUPPLEMENTARY INFORMATION: Section 17(b) of the Mineral Leasing Act of 1920 (30 U.S.C. 226(b)) required the Secretary of the Interior to issue oil and gas leases competitively if the lands to be leased were within the boundary of a "known geological structure of a producing oil or gas field" (KGS). Section 32 of the 1920 Act (30 U.S.C. 189) authorized the Secretary to "fix and determine the boundary lines" of KGSs.

In 1984, the U.S. Court of Appeals for the 8th Circuit ruled unlawful (1) the delineation of a KGS based on a spacing unit or other linear step-out without considering all available geologic information, and (2) the limitation of a KGS to a known trap or pool, that is, to a drainage area (*Arkla Exploration Company v. Texas Oil and Gas Corporation*, 734 F.2d 347). Following this ruling, the Bureau of Land Management (BLM) clarified the standards and procedures under which KGSs were to be delineated.

With the passage of the "Federal Onshore Oil and Gas Leasing Reform Act of 1987," an all-competitive leasing system was established. While this relieves the BLM of the need for future KGS delineation, the law specifically requires that " * * * all noncompetitive oil and gas lease applications and offers and competitive oil and gas bids pending on the date of enactment of this subtitle shall be processed, and leases shall be issued under the provisions of the Act of February 25, 1920, as in effect before its amendment by this subtitle * * *". As a result of this "grandfather" provision, the Bureau will continue its KGS process for all offers, applications and bids pending at the time of enactment of the Leasing Reform Act.

As part of its on-going quality assurance efforts, the BLM has completed an internal review of 32 KGS classifications. An audit team composed of six KGS technical experts conducted the review which is summarized in a report entitled "Audit Report on 32 KGS Classifications." The report discusses, in part, 92 appeals pending as of August 6, 1987, with the Interior Board of Land Appeals (IBLA) which involve these KGSs. Based on the review, BLM has requested the IBLA to remand 3 appeals for further consideration.

The public is requested to provide general comments on the BLM's KGS

policies in effect prior to December 22, 1987, and specific comments on its quality assurance efforts (including the audit report). It should be noted that neither the report, nor any public comments received in response to this public request, are intended to provide a basis on which to decide appeals associated with the 32 KGSs reviewed. Commentors are, therefore, requested not to restate arguments made to the IBLA.

Date: February 11, 1988.

Robert F. Burford,

Director.

[FR Doc. 88-3784 Filed 2-22-88; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 13, 1988. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 9, 1988.

Carol D. Shull,

Chief of Registration, National Register.

ALASKA

Barrow County

Etivluk Lake Archeological District
Kinyiksukvik Lake Archeological District
Tukuto Lake Archeological District
Upper Colville Multiple Resource Archeological District

ARIZONA

Maricopa County

Phoenix, *Story, F.Q., Neighborhood Historic District*, McDowell Rd., Seventh Ave., Roosevelt St. and Sixteenth Ave.

FLORIDA

Palm Beach County

Delray Beach, *Delray Beach Schools*, Blk. 68

KANSAS

Doniphan County

Troy vicinity, *Eclipse School*, Off US 36 NE of Troy

Douglas County

Lawrence, *Priestly House*, 1505 Kentucky St.

MARYLAND

Baltimore County

Owings Mills *Meadows, The*, 302 Meadows Ln.

MASSACHUSETTS

Berkshire County

Stockbridge, *Shadow Brook Farm Historic District*, Lenox West Rd./MA 183 near Bucks Ln.

Suffolk County

Boston, *Dedham Manufacturing Company Historic District*, Knight and Readville Sts. and Damon Pl.

Worcester County

Ayer, *Ayer Main Street Historic District*, Main St. roughly between Park and Columbia Sts.

MINNESOTA

Beltrami County

Bemidji, *Paul Bunyan and Babe the Blue Ox*, Third St. and Bemidji Ave.

Hubbard County

Park Rapids vicinity, *Hubbard Lodge No. 130*, Off CH 6

NEW YORK

Otsego County

Richfield Springs, *Sunnyside*, 72 E. Main St.

OHIO

Cuyahoga County

Gates Mills, *Kulas, E.J., Estate Historic District*, West Hill Dr.

Fayette County

Washington Court House, *Rawlings-Brownell House*, 318 Rawlings St.

Franklin County

Columbus, *Schlee Brewery Historic District*, 526, 543, 560 and rear 526 S. Front St. and NE corner of Beck St. and Wall Alley

Lake County

Mentor, *Moore, Edward W. and Louise C., Estate*, 7960 Garfield Rd.

Montgomery County

Dayton, *Westbrock Funeral Home*, 1712 Wayne Ave.

TENNESSEE

Lawrence County

Fall River vicinity, *Mount Zion Methodist Episcopal Church South*, Mount Zion R.

[FR Doc. 88-3790 Filed 2-22-88; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE**Drug Enforcement Administration****[Docket No. 86-69]****David E. Trawick, D.D.S.; Revocation of Registration**

On August 11, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to David E. Trawick, D.D.S., Respondent, of 417 West Warren Street, Shelby, North Carolina, seeking to revoke DEA Certificate of Registration AD2115877, and to deny his pending application for renewal of that registration, executed on May 4, 1986. The statutory basis for seeking the revocation of Respondent's DEA Certificate of Registration was that his continued registration was inconsistent with the public interest, based upon his indictment and conviction of possession of cocaine; and his personal abuse, and distribution of cocaine for other than legitimate medical purposes, outside the scope of his professional practice.

Subsequent to his receipt of the Order to show Cause, Respondent, through counsel, requested a hearing on the issues raised in that order. The matter was docketed before Administrative Law Judge Francis L. Young, and an administrative hearing was held on February 27, 1987, in Washington, DC.

On September 29, 1987, the Administrative Law Judge issued his opinion and recommended ruling, in which he recommended that the Administrator revoke Respondent's DEA Certificate of Registration and deny his pending application for renewal of that registration. On November 22, 1987, counsel for Respondent filed exceptions to the opinion and recommended ruling of the Administrative Law Judge.

After careful consideration of the entire record in this matter, the Administrator adopts the findings of fact and conclusions of law recommended by the Administrative Law Judge.

The Administrator finds that on October 17, 1985, in the North Carolina General Court of Justice for Cleveland County, Respondent was convicted, after entering a plea of guilty, to one count of possession of cocaine, a misdemeanor violation relating to controlled substances. As a result of that conviction, Respondent was placed on supervised probation for a period of three years, and was fined \$2,000.00.

Respondent's arrest and conviction resulted from a drug investigation initiated by the Cleveland County Sheriff's Office in North Carolina. In

1982 and 1984, the Cleveland County Sheriff's Office received reliable information from an individual that Respondent was using cocaine and other illicit drugs, and also was allowing other persons to use illicit drugs at his residence. In addition, in 1984, another reliable cooperating individual informed the sheriff's office that Respondent was purchasing, using, and selling cocaine. Based upon the reliable information received from these two individuals, the Cleveland County Sheriff's Office initiated an undercover investigation into Respondent's alleged controlled substance violations. A Special Agent from the North Carolina State Bureau of Investigation was brought into the case in an undercover capacity, posing as an art dealer.

The Special Agent and the cooperating individual initially met with Respondent at his residence in September 1984. During that visit, the cooperating individual directed the Special Agent to a breakfront in Respondent's residence which contained a bag of marijuana. At no time during that visit was the use of or purchase of controlled substances discussed. Later that month, Respondent, the Special Agent and the cooperating individual dined together at a local restaurant. Again, the use or purchase of controlled substances was not discussed that evening.

The Special Agent and the cooperating individual returned to Respondent's residence in October 1984. During the visit, the cooperating individual retrieved a bag of marijuana from the breakfront. At that time, Respondent informed the Special Agent that the marijuana was of good quality, and that he always kept marijuana at his residence, although he preferred the high achieved with other drugs such as cocaine, as compared to the high from marijuana. During that meeting, the Special Agent asked Respondent whether he could obtain any cocaine. Respondent made a few phone calls in an attempt to acquire some cocaine for the Special Agent, but was unable to reach anyone.

On the evening of November 21, 1984, the Special Agent and the cooperating individual returned to Respondent's residence. During that visit, the Special Agent again inquired as to whether Respondent could locate some cocaine for him. Respondent placed a telephone call and was able to procure one-eighth of an ounce of cocaine from a third party. The Special Agent and Respondent agreed to split the cocaine. Shortly thereafter, three other individuals arrived at Respondent's residence and delivered a bag

containing a white powder purporting to be cocaine. After examining the bag of powder, Respondent handed it to the Special Agent who also examined it, divided the contents, and returned one-half of the powder and \$150.00 to Respondent. After the powder was divided, Respondent proceeded to ingest a substantial portion of his share of the drug. During that same evening, the Special Agent noticed a tray of marijuana displayed on Respondent's living room table. The Special Agent and the cooperating individual departed Respondent's residence shortly after Respondent ingested his share of the powder. After leaving Respondent's residence, the Special Agent had his share of the powder analyzed. It was later found to be 1.5 grams of cocaine.

Subsequent to that visit, the Special Agent learned that Respondent had come to suspect his true identity. In December 1984, the Special Agent and the cooperating individual returned to Respondent's residence for the purpose of determining whether, in fact, Respondent had discovered that the Special Agent was a police officer. During that visit, Respondent claimed that he did not know anything about cocaine, and did not want the Special Agent or the cooperating individual calling him again.

In his testimony, Respondent never claimed that he possessed marijuana or cocaine at his residence for any legitimate medical purpose. However, although he admitted to abusing alcohol, he refused to admit his addiction to cocaine. Instead, he claimed he used it only on rare occasions. Respondent also denied his involvement in any illegal drug transactions. Rather, he attempted to claim that he was coerced by the Special Agent. The Administrator finds that, based upon Respondent's testimony, he has yet to fully recognize and admit the extent of his drug abuse and the unlawful activities related to his abuse of controlled substances.

Only Respondent testified as to his rehabilitation since his arrest. The record shows that Respondent entered a one month alcohol and drug rehabilitation program in March 1985. In addition, a former drug abuser submitted an affidavit in which he claimed that Respondent attended meetings at Narcotics Anonymous and Alcoholics Anonymous two to three times a week. Respondent testified that he has been required to undergo urinalysis testing on only two occasions since December 1985. Respondent did not submit any affidavits or testimony from persons directly involved in his rehabilitative care.

Respondent also submitted testimony and affidavits from several individuals who attested to his dental skills, but did not address his drug and alcohol abuse problems nor his efforts at rehabilitation. In fact, it was quite clear that even persons who were close to Respondent were totally unaware of his drug abuse problem.

The Administrator finds that there is no evidence in the administrative record that Respondent ever abused his controlled substance prescribing privileges in an effort to unlawfully obtain controlled substances. In addition, there is no allegation that Respondent improperly handled controlled substances within his professional practice. In fact, the testimony presented at the hearing indicated that Respondent is a highly respected dentist in the community, and that even associates who worked with him were unaware of his alcohol and drug abuse problems.

Although Respondent's unlawful activities relating to controlled substances occurred outside of his professional practice, the Administrator finds that such activities are of a sufficient magnitude to warrant the revocation of his DEA Certificate of Registration. Under 21 U.S.C. 823(f) and 824(a)(4), the Administrator can revoke a registration based upon a sufficient showing that the continued registration would be inconsistent with the public interest. The factors which are considered in determining whether the continued registration would be inconsistent with the public interest are:

- (1) The recommendation of the appropriate State licensing board or professional disciplinary authority;
 - (2) The applicant's or registrant's experience in dispensing, or conducting research with respect to controlled substances;
 - (3) The applicant's or registrant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances;
 - (4) Compliance with applicable State, Federal, or local laws relating to controlled substances; and
 - (5) Such other conduct which may threaten the public health and safety.
- There is no requirement that the Administrator must make findings with respect to all five factors listed above. Instead, the Administrator has the discretion to give each factor the weight he deems appropriate, depending upon the facts and circumstances presented in each case, in determining the public interest. See *England Pharmacy*, 52 FR 1674 (1987); *Paul Stepak, M.D.*, 51 FR

17556 (1986); *Felix Seisen, M.D.*, Docket No. 85-53, 51 FR 3863 (1986); and *Anne L. Hendricks, M.D.*, Docket No. 86-4, 51 FR 41030.

In addition, offenses or wrongful acts committed by a registrant outside of his professional practice, but which relate to controlled substances may constitute sufficient grounds for the revocation of a registrant's DEA Certificate of Registration. See *Jose Antonio Placisneros, M.D.*, 52 FR 42154 (1987); *Walker L. Whaley, M.D.*, Docket No. 85-12, 51 FR 15556 (1986); and *Paul Stepak, M.D.*, supra.

Therefore, all wrongful acts relating to controlled substances committed by a registrant can be taken into consideration by the Administrator when deciding whether to allow that registrant to retain the privileges granted him by a DEA Certificate of Registration.

In this case, Respondent has been convicted of misdemeanor possession of cocaine, was found to have cocaine and marijuana in his residence, and has a history of abusing alcohol and controlled substances. Although the record indicates that Respondent has undertaken some rehabilitation efforts with respect to his drug and alcohol abuse problems, little substantive information regarding his success was presented at the administrative hearing. In addition, since Respondent has not fully admitted to his criminal involvement and drug abuse problems, the Administrator has grave reservations about his rehabilitation.

A medical professional, because of his training and experience, must be aware of the awful devastation and health consequences associated with drug abuse. By possessing, abusing and aiding in the distribution of controlled substances, Respondent has abandoned the trust placed in him as a physician as well as his responsibility as a registrant, to safeguard the public from the unlawful use and abuse of controlled substances. Therefore, the Administrator concludes that Respondent's registration is no longer consistent with the public interest.

In light of the foregoing facts, Respondent's DEA Certificate of Registration must be revoked. Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 21 CFR 0.100(b), orders that DEA Certificate of Registration AD2115877, previously issued to David E. Trawick, D.D.S., be, and it hereby is, revoked; the Administrator further orders that any pending applications for renewal of

Respondent's registration be, and they hereby are, denied.

This order is effective March 24, 1988.

Dated: February 16, 1988.

John C. Lawn,
Administrator.

[FR Doc. 88-3732 Filed 2-22-88; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information

Management, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

Employment and Training Administration

Feasibility Study on Implementing a Substate Area Unemployment Insurance Benefit Program

One-time

State or local governments

53 respondents; 106 burden hours; no forms

This study will collect information on the administrative feasibility and effectiveness of benefit targeting of a substate unemployment insurance (UI) program as a basis for future policy and administrative decisions. Information will be collected from state UI agencies by means of telephone interviews.

Revision

Employment Standards Administration Accident Data on School Bus Drivers Report 1215-0045; WH-374

Monthly

State or local governments

2,270 responses; 1,135 hours; 1 form

Section 570.52 declares the occupation of motor vehicle driver to be hazardous for 16 and 17 year olds. Upon application by a State, an exemption may be granted to permit such minors to drive school buses. The data provided on form WH-374 is used to evaluate whether an exemption is warranted.

Extension

Employment and Training

Administration

Annual Plans for State Employment

Service Activities

1205-0209; no forms

Annually

State or local government

54 respondents; 4,860 burden hours; no forms.

Regulations under 20 CFR Part 652 implement Pub. L. 97-300 amendments to the Wagner-Peyser Act. Information collection requirements pertain to those sections of the Act which require States to submit plans concerning operations and expenditures prescribed by the Secretary of Labor.

Signed at Washington, DC this 16th day of February, 1988.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 88-3809 Filed 2-22-88; 8:45 am]

BILLING CODE 4510-23-M

Employment and Training Administration

A. O. Smith Water Products Co., et al; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a)

of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 4, 1988.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 3, 1988.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC this 16th day of February 1988.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
A.O. Smith Water Products Co. (IAMAW).....	Kankakee, IL	2/16/88	1/19/88	20,458	Water heaters.
Chrysler Corp. (IAMAW).....	Kenosha, WI	2/16/88	1/2/88	20,459	Automobiles.
Gregory & Cook, Inc. (Workers).....	Houston, TX	2/16/88	2/3/88	20,460	Pipeline installation.
Goldston Corp. (Workers).....	Corpus Christi, TX	2/16/88	2/1/88	20,461	Machinery.
Gulf Interstate Engineering Co. (Company).....	Houston, TX	2/16/88	1/25/88	20,462	Crude oil.
Herman I. Zacharia & Son (Workers).....	New York, NY	2/16/88	1/29/88	20,463	Night wear.
Litton Microwave Cooking Products (UEW)	Sioux Falls, SD	2/16/88	2/2/88	20,464	Microwave ovens.
Maine Guide (Workers).....	Bath, ME	2/16/88	1/29/88	20,465	Coats.
PPG Industries, Inc. (Workers).....	Tipton, PA	2/16/88	2/5/88	20,466	Automotive lights.
Portage Mills (TWU)	Portage, WI	2/16/88	2/3/88	20,467	Slippers.
Wolverine Knitting Mills (ILGWU).....	Bay City, MI	2/16/88	2/4/88	20,468	Night wear.

[FR Doc. 88-3812 Filed 2-22-88; 8:45 am]

BILLING CODE 4510-30-M

Preway Inc., et al.; Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents

summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period February 1, 1988-February 5, 1988 and February 8, 1988-February 12, 1988.

In order for an affirmative determination to be made and a

certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-20,316; *Preway, Inc., Wisconsin Rapids, WI*

TA-W-20,335; *Northeast Wire Co., Holyoke, MA*

TA-W-20,344; *Flynn & Emrich Co. of Baltimore City, Baltimore, MD*

TA-W-20,334; *Motor Wheel Corp., Lansing, MI*

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-20,361; *The International Union of Automobile Aerospace & Agricultural Implement Workers of America, Local 2055 Mt. Pleasant, PA*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-20,336; *Raymark, Stratford, CT*

Increased imports did not contribute importantly to workers separations at the firm.

TA-W-20,394; *Jade Sportswear, New York, NY*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-20,355; *Elkay Mining Co., Rumcreek, WV*

U.S. imports of steam and metallurgical coal were negligible in 1985, 1986 and Jan-Sept 1987.

AFFIRMATIVE DETERMINATIONS

TA-W-20,318; *Ranme Manufacturing, Inc., Brooklyn, NY*

A certification was issued covering all workers of the firm separated on or after November 23, 1986 and before April 30, 1987.

TA-W-20,352; *Whistles, Inc., Cuba, MO*

A certification was issued covering all workers of the firm separated on or after December 1, 1986 and before November 29, 1987.

TA-W-20,365; *College-Town, Braintree, MA*

A certification was issued covering all workers of the firm separated on or after December 22, 1986.

TA-W-20,325; *Alcan Rolled Products, Terre Haute, IN*

A certification was issued covering all workers of the firm separated on or after December 2, 1986.

TA-W-20,373; *Oxford Industries, Inc., Oxford Shirt Division, Dublin, GA*

A certification was issued covering all workers of the firm separated on or after December 22, 1986.

TA-W-20,320; *Seagrave Leather Corp., East Wilton, ME*

A certification was issued covering all workers of the firm separated on or after November 23, 1986.

TA-W-20,338; *Corrugated & Closet Concepts Limited, Universal Producing Co., Fairfield, IA*

A certification was issued covering all workers of the firm separated on or after November 25, 1986.

TA-W-20,342; *Dalton Factory Store, North Olmsted, OH*

A certification was issued covering all workers of the firm separated on or after November 25, 1986.

TA-W-20,333; *Ken Wing Manufacturing Co., Inc., New York, NY*

A certification was issued covering all workers of the firm separated on or after December 3, 1986.

TA-W-20,327; *Diebold, Inc., Hebron, OH, Printed Circuit Board Dept.*

A certification was issued covering all workers of the firm separated on or after November 30, 1986.

TA-W-20,326; *Cortelco, Corinth, MS*

A certification was issued covering all workers of the firm separated on or after December 1, 1986.

TA-W-20,332; *Hydreco, Inc., Kalamazoo, MI*

A certification was issued covering all workers of the firm separated on or after December 3, 1986.

I hereby certify that the aforementioned determinations were issued during the period February 1, 1988-February 5, 1988 and February 8, 1988-February 12, 1988. Copies of these

determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance

Dated: February 16, 1988.

[FR Doc. 88-3811 Filed 2-22-88; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-20,241]

Universal Wire Products, Inc., North Haven, CT; Revised Determination on Reconsideration

On February 1, 1988, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers of Universal Wire Products, Inc., New Haven, Connecticut. The affirmed notice will soon be published in the Federal Register.

An official of the company claims that there was a relative increase in wire rope imports in 1986. New sales data was submitted by the company showing a decline in sales for 1987.

On reconsideration, the Department found that the assets of the company (machinery) were sold in October 1987. The machinery is in the process of being shipped overseas for the production of steel wire rope. All production workers were laid off in October, 1987. Also, on reconsideration, the Department found that North Haven's production consisted of galvanized, ungalvanized and stainless steel wire rope. In its negative decision, the Department included imports of bead wire and tire cord for steel belted tires. The North Haven plant did not produce wire for steel belted tires. New import data relevant to North Haven's production shows an increase of imported steel wire rope relative to domestic shipments in 1986 compared to 1985.

Also on reconsideration, the Department surveyed additional customers of the subject firm. The survey found that customers accounting for a substantial portion of North Haven's 1986 and 1987 sales declines had increased import purchases during the same periods.

Conclusion

After careful review of the additional facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with steel wire rope and cable produced by

Universal Wire Products, Inc., North Haven, Connecticut contributed importantly to the decline in sales or production and to the total or partial separation of workers at Universal Wire Products, Inc., North Haven, Connecticut. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of Universal Wire Products, Inc., North Haven, Connecticut who became totally or partially separated from employment on or after October 26, 1986 and before December 1, 1987 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 5th day of February 1988:

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 88-3810 Filed 2-22-88; 8:45 am]

BILLING CODE 4510-30-M

LIBRARY OF CONGRESS

American Folklife Center Board of Trustees; Meeting

AGENCY: Library of Congress.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Board of Trustees of the American Folklife Center. This notice also describes the functions of the Center. Notice of this meeting is required in accordance with Pub. L. 94-463.

DATE: February 26, 1988, 9:30 a.m. to 4:30 p.m.

ADDRESS: Whittall Pavilion, Jefferson Building, Library of Congress, 10 First Street SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Raymond L. Dockstader, Deputy Director, American Folklife Center, Washington, DC 20540.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. It is suggested that persons planning to attend this meeting as observers contact Raymond Dockstader at (202) 287-6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94-201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publications, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal

agencies and private life widely recognized for their interest in American folk traditions and arts.

The center is structured with a small core group of versatile professionals who both carry out programs themselves and oversee projects done by contract by others. In the brief period of the Center's operation it has energetically, carried out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Dated: February 16, 1988.

Donald C. Curran,

Acting Associate Librarian for Management.

[FR Doc. 88-3786 Filed 2-22-88; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

ACTION: Notice of meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given of a public meeting and a closed executive session (pursuant to 5 U.S.C. App. I, Sec. 10(d)) of the National Commission for Employment Policy at the Embassy Suites Hotel, 1250 22nd Street, NW., Washington, DC 20037.

DATE: Wednesday, March 16, 1988, 8:00 a.m. to 5:00 p.m.

Status: The meeting is open to the public with the exception of the executive session.

Matters to be Discussed: During the public meeting the Commission members will discuss progress on the research agenda, budget, and legislative and governmental affairs. During the executive session the Commission members will discuss matters solely related to the internal personnel rules and practices of the Commission. Such issues are considered routine, administrative matters, of no significance to the public. In addition, the session is closed in order to protect information of a personal nature, which if disclosed could constitute an unwarranted invasion of personal privacy.

FOR FURTHER INFORMATION CONTACT: Mrs. Barbara McQuown, Director, National Commission for Employment Policy, 1522 K Street NW., Suite 300, Washington, DC 20005, 202-724-1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy is authorized by the Job Training Partnership Act (Pub. L. 97-300). The Act gives the Commission the broad

responsibility of advising the President and the Congress. Handicapped individuals wishing to attend should contact the Commission so that appropriate accommodations can be made. Copies of the minutes and materials prepared for the meeting will be available for public inspection at the Commission's office, 1522 K Street NW., Suite 300, Washington, DC 20005.

Signed this 17th day of February, 1988.

Barbara McQuown,

Director.

[FR Doc. 88-3808 Filed 2-22-88; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel; Meeting.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Visual Arts/Media/Design/Literary Arts Section) to the National Council on the Arts will be held on March 8-9, 1988 from 9:00 a.m.-6:00 p.m. and March 10, 1988 from 9:00 a.m.-5:30 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 8, 1988, from 9:00 a.m.-10:30 a.m. and on March 10, 1988 from 3:15 p.m.-5:30 p.m. for general program overview and policy issues discussion.

The remaining sessions of this meeting on March 8, 1988 from 10:30 a.m.-6:00 p.m., and on March 9, 1988 from 9:00 a.m.-6:00 p.m., and on March 10, 1988 from 9:00 a.m.-3:15 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-

5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

February 11, 1988.

Yvonne Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.
[FR Doc. 88-3728 Filed 2-22-88; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Folk Arts Section) to the National Council on the Arts will be held on March 9-11, 1988 from 9:00 a.m.-5:30 p.m. and March 12, 1988 from 9:00 a.m.-3:00 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 11, 1988, from 1:30 p.m.-3:30 p.m. for policy issues and guidelines discussion.

The remaining sessions of this meeting on March 9 and March 10, 1988 from 9:00 a.m.-5:30 p.m., and on March 11, 1988 from 9:00 a.m.-12:30 p.m. and 3:30 p.m.-5:30 p.m., and March 12, 1988 from 9:00 a.m.-3:00 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* on February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

February 11, 1988.

Yvonne Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.
[FR Doc. 88-3726 Filed 2-22-88; 8:45 am]

BILLING CODE 7537-01-M

Inter-Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Services/Colonies Section) to the National Council on the Arts will be held on March 9-10, 1988 from 9:00 a.m.-6:00 p.m. and March 11, 1988 from 9:00 a.m.-3:00 p.m. in room MO-7 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 11, 1988, from 9:00 a.m.-12:00 p.m. for guidelines and policy issues discussion.

The remaining sessions of this meeting on March 9 and March 10, 1988 from 9:00 a.m.-6 p.m., and on March 11, 1988 from 1:00 p.m.-3:00 p.m. are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

February 11, 1988.

Yvonne Sabine,

Acting Director, Council and Panel Operations, National Endowment for the Arts.
[FR Doc. 88-3727 Filed 2-22-88; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-483]

Union Electric Co., Callaway Plant, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-30 issued to Union Electric Company (the licensee), for operation of the Callaway Plant, Unit 1, located in Callaway County, Missouri.

Environmental Assessment

Identification of Proposed Action

This Environmental Assessment is written in connection with the proposed core uprate for the Callaway Plant, Unit 1 in response to the licensee's application for a license amendment dated March 31, 1987, as supplemented April 21, September 18, October 2, October 23, and November 13, 1987. The proposed action would upgrade the rated core power level for Callaway from the current level of 3411 Megawatts-thermal (MWt) to 3565 MWt, and upgrade the Nuclear Steam Supply System (NSSS) thermal power from the current level of 3425 MWt to 3579 MWt. This uprate would represent an increase of approximately 4.5 percent over the current rated core power and NSSS thermal power.

The Need for the Proposed Action

The proposed action would increase the electrical output by 51 Megawatts-electrical (MWe) and thus provide additional electric power to the grid which services the commercial and domestic areas in the State of Missouri.

Environmental Impacts of the Proposed Action

A slight change in environmental impact can be expected for the proposed increase in power. The proposed core uprating is projected to increase the rejected heat by approximately 4.5 percent. However, the NRC-approved Final Environmental Statement (FES), as amended, has already addressed plant operation up to a stretch NSSS power rating of 3579 MWt. Thus, the 4.5 percent increase in rejected heat has already been evaluated and determined to not significantly impact on the quality of the human environment. Also, the proposed increase in the NSSS power involves no significant change in types or significant increase in the amount of any effluents that may be released

offsite which have not already been evaluated and approved in the FES (as amended) for a NSSS power rating of 3579 MWt. Similarly, as enveloped by the FES (as amended), there would be no significant increase in individual or cumulative occupational radiation exposure.

Alternatives to the Proposed Action

The principal alternative to the proposed action would be to deny the requested amendment. This alternative would be in contradiction to the fact that the NRC-approved FES, as amended, has already addressed operation up to a stretch power rating of 3579 MWt.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the FES (as amended) for Callaway Plant, Unit No. 1.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed amendment. Based upon the foregoing environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for amendment dated March 31, 1987, as supplemented April 21, September 18, October 2, October 23, and November 13, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Dated at Bethesda, Maryland, this 17th day of February, 1988.

For the Nuclear Regulatory Commission.

Kenneth E. Perkins,

Director, Project Directorate III-3, Division of Reactor Projects.

[FR Doc. 88-3763 Filed 2-22-88; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability Assurance; Meeting

The ACRS Subcommittee on Reliability Assurance will hold a

meeting on March 7 and 8, 1988, Room 1046, 1717 H Street NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Monday, March 7, 1988—1:00 p.m. until the conclusion of business.

Tuesday, March 8, 1988—8:30 a.m. until the conclusion of business.

The Subcommittee will discuss: (1) Valve reliability, including valve testing schemes by Liberty Technical Center, Limitorque, MOVATS, and Oak Ridge National Laboratory; (2) RES plans for MOV and check valve related work; (3) valve testing insights from Peter Wohld; (4) incidents related to valves (German hydrogen explosion in PORV and TVA MOV interchangeability problem); and (5) status reports from industry organizations on valve related programs.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Richard Major (telephone 202/634-1414) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: February 17, 1988.

Gary Quittschreiber,

Acting Assistant Executive Director for Project Review.

[FR Doc. 88-3821 Filed 2-22-88; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Auxiliary Systems; Meeting

The ACRS Subcommittee on Auxiliary Systems will hold a meeting on March 9, 1988, Room 1046, 1717 H Street NW., Washington, DC.

Most of the meeting will be open to public attendance. However, a portion of the meeting will be closed to discuss proprietary information relating to fire protection provisions at foreign nuclear power plants.

The agenda for the subject meeting shall be as follows:

Wednesday, March 9, 1988—8:30 a.m. until the conclusion of business

The Subcommittee will discuss the results of the Fire Risk Scoping Study performed by Sandia National Laboratories for the NRC.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS Staff member, Mr. Sam Duraiswamy (telephone 202/634-3267) between 7:30 a.m. and 4:30 p.m.

Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Date: February 16, 1988.

Gary Quittschreiber,

Acting Assistant, Executive Director for Project Review.

[FR doc. 88-3822 Filed 2-22-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Withdrawal of Applications for Amendments to Facility Operating Licenses; Virginia Electric and Power Co.

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Virginia Electric and Power Company (the licensee) to withdraw their application dated July 14, 1986, as superseded June 3, 1987, for the Surry Power Station Unit Nos. 1 and 2, located in Surry County, Virginia.

The proposed amendments would have revised section 6 of the Surry Technical Specifications to reflect the licensee's reorganization in which the Quality Assurance Organization would report to the Senior Vice President—Engineering and Construction, rather than to the Senior Vice President—Power Operations. Also, it would have revised the titles of several on-site and off-site managers and supervisors and would have deleted the Director—Nuclear Training position. The Commission issued Notices of Consideration of Issuance of Amendments in the *Federal Register* on August 13, 1986 (51 FR 29015) and on November 4, 1987 (52 FR 42372). By letter dated January 25, 1988, the licensee requested, pursuant to 10 CFR 2.107, permission to withdraw their application for the proposed amendments. The basis for withdrawal of the application was that the change request has been superseded by a recent executive reorganization involving the consolidation of the Senior Vice President positions for Engineering and Construction and Power Operations. The Commission has considered the licensee's January 25, 1988 request and has determined that permission to withdraw the July 14, 1986 application, as superseded June 3, 1987, should be granted.

For further details with respect to this action, see (1) the application for amendment dated July 14, 1986, as superseded June 3, 1987, (2) the licensee's letter dated January 25, 1988,

withdrawing the applications for amendments, and (3) our letter dated.

All of the above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 17th day of February, 1988.

For the Nuclear Regulatory Commission.

Chandu P. Patel,

Project Manager, Project Directorate II-2, Division of Reactor Projects—I/II.

[FR Doc. 88-3764 Filed 2-22-88; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Leesa Martin, (202) 632-0728.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on January 26, 1988 (53 FR 2116). Individual authorities established or revoked under Schedule A, B, or C between January 1, 1988, and January 31, 1988, appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception was established:

Department of Army

One Position of Scientific Director, GM-190-15, and four positions of Forensic Scientist, GS-190-14, located in the Central Identification Laboratory. Initial appointment to these positions is NTE 3-5 years with provision for indefinite numbers of renewals in 1, 2 or 3-year increments. Effective January 22, 1988.

Schedule B

No Schedule B exceptions were established or revoked during January.

Schedule C

Department of Agriculture

One Confidential Assistant to the Administrator for Food Safety and Inspection Service. Effective January 11, 1988.

One Confidential Assistant to the Administrator for Food Safety and Inspection Service. Effective January 13, 1988.

One Confidential Assistant to the Administrator for Foreign Agricultural Service. Effective January 15, 1988.

One Staff Assistant, Correspondence Review Officer to the Director for Executive Secretariat. Effective January 27, 1988.

One Executive Assistant to the Administrator for Agricultural Marketing Service. Effective January 29, 1988.

Department of Commerce

One Congressional Liaison Assistant to the Deputy Assistant Secretary for Congressional Affairs. Effective January 6, 1988.

One Confidential Assistant to the Deputy Assistant Secretary for Import Administration. Effective January 15, 1988.

One Confidential Assistant to the Director for Office of Business Liaison. Effective January 27, 1988.

One Confidential Assistant to the Assistant Secretary for Trade Development. Effective January 27, 1988.

Department of Defense

One Special Assistant to the Assistant Secretary for Legislative Affairs. Effective January 1, 1988.

Department of Education

One Special Assistant to the Deputy Assistant Secretary for Special Education. Effective January 4, 1988.

One Confidential Assistant to the Assistant Secretary for Legislation. Effective January 20, 1988.

One Confidential Assistant to the Senior Special Assistant to the Secretary for Scheduling and Briefing. Effective January 21, 1987.

Department of Energy

One Senior Policy Assistant to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs. Effective January 15, 1988.

Department of Health and Human Services

One Confidential Staff Assistant to the Director for Office of Child Support Enforcement. Effective January 4, 1988.

One Confidential Assistant to the Counselor to the Under Secretary. Effective January 7, 1988.

One Special Assistant to the Administrator for Communication. Effective January 22, 1988.

One Confidential Secretary to the Assistant Secretary for Legislation. Effective January 27, 1988.

One Director, Office of Adolescent Pregnancy Programs, to the Deputy Assistant Secretary for Population Affairs. Effective January 28, 1988.

On Special Assistant to the Director for Office of Policy, Planning and Legislation. Effective January 29, 1988.

Department of Housing and Urban Development

One Special Assistant to the Assistant Secretary for Housing. Effective January 4, 1988.

One Executive Assistant to the General Counsel. Effective January 4, 1988.

One Special Assistant to the Under Secretary. Effective January 22, 1988.

Department of the Interior

One Special Assistant to the Assistant Secretary for Policy, Budget and Administration. Effective January 4, 1988.

One Public Affairs Specialist (Speechwriter) to the Director for Office of Public Affairs. Effective January 6, 1988.

One Staff Assistant to the Under Secretary. Effective January 22, 1988.

One Special Assistant to the Director for United States Fish and Wildlife Service. Effective January 27, 1988.

Department of Labor

Two Special Assistants to the Secretary. Effective January 22, 1988.

Department of State

One Special Assistant to the Under Secretary. Effective January 22, 1988.

Department of Transportation

One Staff Assistant to the Secretary. Effective January 6, 1988.

One Legislative Research Officer to the Assistant Secretary for Governmental Affairs. Effective January 6, 1988.

One Special Assistant to the Director for Executive Secretariat. Effective January 11, 1988.

One Staff Assistant to the Secretary of Transportation. Effective January 27, 1988.

Department of Treasury

One Staff Assistant to the Director of the Mint. Effective January 27, 1988.

Agency for International Development

One Special Assistant to the Assistant Administrator for Asia and the Near East. Effective January 6, 1988.

Arms Control Disarmament Agency

One Secretary (Steno) to the Assistant to the Director for Nuclear and Weapons Control Bureau. Effective January 21, 1988.

Commission on Civil Rights

One Special Assistant to a Commissioner. Effective January 13, 1988.

Consumer Product Safety Commission

One Staff Assistant to the Commissioner. Effective January 13, 1988.

Federal Home Loan Bank Board

One Secretary (Typing) to the Deputy Executive Director for Federal Savings and Loan Insurance Corporation. Effective January 14, 1988.

One Deputy Director, to the Director for Congressional Relations Office. Effective January 28, 1988.

General Service Administration

One Confidential Assistant to the Regional Administrator, Region 3. Effective January 27, 1988.

Securities and Exchange Commission

One confidential Adviser to the Director for Corporate Practices. Effective January 22, 1988.

Small Business Administration

One Confidential Assistant to the Chief of Staff. Effective January 12, 1988.

One Staff Assistant to the Associate Deputy Administrator for Special Programs. Effective January 27, 1988.

Office of Management and Budget

One Confidential Secretary to the Associate Director for Legislative Affairs. Effective January 12, 1988.

Office of Personnel Management

One Confidential Assistant to the Associate Director for Administration Group. Effective January 11, 1988.

United States Information Agency

One Public Affairs Specialist to the Deputy Counselor for Press and Public Affairs. Effective January 15, 1988.

One Program Officer to the Director for the New York Foreign Press Center. Effective January 22, 1988.

United State Tax Court

One Secretary (Confidential Assistant), to a Judge. Effective January 22, 1988.

U.S. Office of Personnel Management.

Constance Horner,

Director.

[FR Doc. 88-3382 Filed 2-22-88; 8:45 am]

BILLING CODE 8325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-16273; 811-3649]

Money Market Fund, Inc.; Application

February 17, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for deregulation under the Investment Company Act of 1940 ("1940 Act").

Applicant: Money Market Fund, Inc. ("Applicant").

Relevant 1940 Act Sections: Section 8(f) and Rule 8f-1 thereunder.

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: The application on Form N-8F was filed on November 9, 1987 and amended on February 1, 1988.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on March 11, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificates. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 107-D Waters Building, Grand Rapids, Michigan 49503.

FOR FURTHER INFORMATION CONTACT: Cecilia C. Kalish, Staff Attorney (202) 272-3037, or Curtis R. Hilliard, Special Counsel (202) 272-3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application: the complete application is available for a fee from either the SEC's Public Reference Branch in person or the

SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations:

1. Applicant registered under the 1940 Act on January 13, 1983, and its registration statement was filed on January 13, 1983, pursuant to section 8(b) of the 1940 Act. Applicant is an open-end, diversified management investment company that was incorporated in Maryland on December 8, 1982.

2. On July 16, 1987, Applicant's Board of Directors authorized and recommended for stockholder approval an agreement and plan of reorganization ("Agreement") by and between Applicant and Money Market Portfolios Trust, a Massachusetts business trust ("MMPT"). The Agreement was approved by stockholders on October 1, 1987.

3. Pursuant to the Agreement, the assets of Applicant were transferred to MMPT on October 9, 1987, in exchange for shares of the Money Market Portfolio of MMPT. Following such transfer the Money Market Portfolio shares were distributed to the Applicant's stockholders in liquidation of Applicant. Immediately preceding the transfer of Applicant's assets 35,871,043.84 shares of Applicant's common stock were outstanding and Applicant had \$49,818.02 of declared but unpaid accrued earnings. Total net asset value of Applicant was \$35,920,861.86. The net asset value per share on such date was \$1.00. Applicant's stockholders received 35,920,861.86 shares of the Money Market Portfolio, with a total net asset value of \$35,920,861.86. Applicant filed Articles of Transfer with the State of Maryland on October 9, 1987. Articles of Dissolution were filed with and approved by the State of Maryland on December 30, 1987.

4. In accordance with the Agreement, Applicant and MMPT were each responsible for the payment of all expenses, fees and other charges with respect to the performance of their respective obligations under the Agreement. MMPT was responsible for the cost of setting in type and filing the registration statement on Form N-14 under the Securities Act of 1933. MMPT was also responsible for all fees and expenses of any necessary registrations or filings with any state. Applicant was responsible for the cost of printing and mailing to Applicant's stockholders a prospectus and proxy statement relating to the Agreement and any other appropriate letter, notice, proxy card, or document related to the solicitation and resolicitation of proxies from the

Applicant's stockholders. In connection with the Agreement and transactions contemplated thereby, Applicant incurred legal, accounting and printing expenses totaling approximately \$4,978.71. None of these particular expenses were charged against the assets of Applicant. The entire amount was paid by Applicant's Investment Manager, Monitor Capital Management, Inc. There are no stockholders of Applicant to whom distributions in complete liquidation of their interests have not been made.

5. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust.

6. Applicant has retained no assets. Applicant has no knowledge of debts or other liabilities that remain outstanding. Applicant has no stockholders at the time of filing this application.

7. Applicant filed a Form N-SAR for each semi-annual period for which such form was required, including the semi-annual period ended August 31, 1987. If a Form N-SAR is required for the period August 31, 1987, through the date that Applicant is deregistered, such form will be filed promptly following issuance of the requested order.

8. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged nor does it propose to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-3804 Filed 2-22-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-16274; (811-357) (811-1145) (811-1181) (811-3295) (811-5097)]

Application; Founders Mutual Fund et al.

February 17, 1988.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an Exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Founders Mutual Fund, ("Mutual Fund") Founders Growth Fund, Inc., ("Growth Fund") Founders Equity Income Fund, Inc. ("Equity Fund"), Founders Money Market Fund, Inc. ("Money Market Fund") and Founders Frontier Fund, Inc. ("Frontier Fund").

Relevant 1940 Act Section: Orders requesting deregistration under section 8(f) and Rule 8f-1.

Summary of Applications: Each Applicant requests an order under section 8(f) declaring that Applicants, registered under the 1940 Act as open-end, diversified, management investment companies, have ceased to be investment companies.

Filing Dates: All of the applications were filed on January 25, 1988.

Hearing or Notification of Hearing. If no hearing is ordered, the applications will be granted. Any interested person may request a hearing on these applications, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on March 11, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the appropriate Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

Addresses: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicants, 810 Cherry Creek National Bank Building, 3033 East First Avenue, Denver, Colorado 80206.

FOR FURTHER INFORMATION CONTACT: Sherry Hutchins Perkins, Staff Attorney, (202) 272-3026 or Brion Thompson, Special Counsel (202) 272-3016, Office of Investment Company Regulation, Division of Investment Management.

SUPPLEMENTARY INFORMATION: Following is a summary of the applications; the complete applications are available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier which may be contacted at (800) 231-3282 (in Maryland (301) 253-4300).

Applicants Representations: 1. Mutual Fund, a Colorado business trust registered its securities under the Securities Act of 1933 ("1933 Act") and was declared effective on August 2, 1938. Mutual Fund commenced the public offering on its securities immediately thereafter. On November 1, 1940, Mutual Fund registered as an open-end, diversified management investment company under the 1940 Act.

2. On January 3, 1962, Growth Fund, a Maryland corporation, registered as an open-end diversified management company under the 1940 Act. At the time of registration, Growth Fund was named Gryphon Fund, Inc. On March 1, 1963, Equity Fund, a Maryland corporation, registered as an open-end diversified management company under the 1940 Act. On March 6, 1981, Money Market

Fund, a Maryland corporation, registered as an open-end diversified management investment company under the 1940 Act. On July 25, 1986, Frontier Fund, a Maryland corporation, registered as an open-end diversified management investment company under the 1940 Act. All of the Applicants were declared effective soon after their registration statements were filed under the 1940 Act, except Mutual Fund because its registration statement was declared effective prior to the enactment of the 1940 Act.

3. On July 31, 1987, the Board of Directors or Board of Trustees, as the case may be, of each Applicant approved an Agreement and Plan of Reorganization (the "Plan") under which each Applicant transferred all of their existing assets to a designated series of Founders Funds, Inc., a registered investment company incorporated in Maryland (File No. 811-1018). In consideration therefor, Founders Funds, Inc. assumed the obligations and liabilities of each Applicant then existing and issued to each Applicant a number of shares of their designated series equal to the number of shares of each Applicant's shares then outstanding. Also under the Plan, each Applicant issued those shares of the designated series of Founders Funds, Inc. to its shareholders in a number equal to the number of shares of such Applicant owned by each shareholder on the date of the closing. Money Market Fund and Growth Fund shareholders approved the Plan at their Annual Meeting of Shareholders held on November 17, 1987. The Shareholders of Frontier Fund, Equity Income Fund and Mutual Fund approved the Plan at their Annual Meeting of Shareholders held on November 24, 1987.

4. As of November 30, 1987, (the date on which the reorganization occurred), Applicants transferred their existing assets to certain designated series of the Founders Funds, Inc. at their respective net asset values. Applicants have no shareholders at the time of filing the applications. No brokerage commissions were paid in connection with the Plan.

5. Within the last eighteen months, Applicants have not transferred any of their assets to a separate trust, the beneficiaries of which were or are securityholders of the Applicants. Applicants currently have no assets and no liabilities. On November 25, 1987, all Applicants except Mutual Fund filed Articles of Transfer with the State of Maryland and intend to file Articles of Dissolution with the State of Maryland. Mutual Fund was organized under the laws of Colorado and no action under

Colorado State law was required in connection with the reorganization or is required to dissolve Mutual Fund.

6. The expenses applicable to the Plan, consisting of accounting, printing, administrative and certain legal expenses have been assumed and paid by the designated series of the Founders Funds, Inc. Applicants are not a party to any current or pending litigation or administrative proceeding. Applicants are not engaged, and do not propose to engage, in any business activities other than those necessary for the winding-up of their affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 88-3805 Filed 2-22-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25355; File No. SR-MSTC-88-3]

Self-Regulatory Organizations; Filing of Proposed Rule Change by Midwest Securities Trust Co.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 8, 1988, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change is described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Article II, Rule 1, Section 2 of the Rules of the Midwest Securities Trust Company (MSTC) is hereby amended as follows:

[Deletions Bracketed]

Article II—Settlement Services

Delivery and Withdrawal of Securities

Withdrawals of Securities

Sec. 2. Participants may request withdrawal of Securities from the Corporation under the following procedures.

(a) A Participant may request withdrawal of Securities from the offices of the Corporation in Chicago, Illinois will specify, on the Security Withdrawal Request form (or such other form as the Corporation may from time to time prescribe), whether the Participant is

requesting delivery of the Security in street form [during the morning ("Demand Street Request"), whether the Participant is requesting delivery in street form during the afternoon] ("Street Request"), or whether the Participant is requesting that the Corporation submit the Security to a transfer agent for registration in the name of a customer ("Customer Transfer Request") or in the name of the Participant ("Firm Name Transfer Request")* * *

(b) No change in text.

(c) The Participant will specify on each [Demand Street Request and] Street Request whether the Participant will accept withdrawal of a partial amount. Requests will not be filled in partial amounts unless the Participant so specifies on the request form. Without the consent of the Corporation, Customer Transfer Requests and Firm Name Transfer Requests will not be filled in partial amounts, and [Demand Street Requests and] Street Requests will not be filled in a partial amount that is not a multiple of 100.

(d) Subject to subparagraph (b), a Security Withdrawal Request of a Participant having a Depository Free Position in the Security requested shall be filled that Business Day; provided, however, with respect to Street Requests [and Demand Street Requests], that if certificates in the denominations requested are not then available to the Corporation for delivery at the place where delivery is requested, the amount of the request for which certificates are available shall be filled, if the request has been designated, in accordance with subparagraph (c), as a request which may be partially filled, and the remainder of the request shall be filled as promptly as practicable after such certificates become so available.

(e) [Demand Street requests will be processed at least once in the morning of each Business day, and other forms of] Security Withdrawal Requests will be processed on each Business Day at such times as the Corporation may from time to time prescribe in its Procedures.

(f) No change in text.

(g) No change in text.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory

organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to terminate MSTC's services for Demand Street Withdrawal Requests. Demand Street Withdrawal Requests are currently processed ahead of Street Withdrawal Requests (but at a higher cost to a Participant). Demand Street Withdrawal Requests are being terminated because of planned improvements in MSTC's operating systems and a lower volume of such Requests in 1987.

Participants may use Street Withdrawal Requests to have securities removed from MSTC's system for physical delivery or pick-up. Upon implementation of the proposed rule change, Street Withdrawal Requests will be processed on a first come, first serve basis only. Accordingly, Participants who submit early Street Withdrawal Requests will be able to receive their securities on a priority basis.

The proposed rule change is consistent with section 17A of the Securities Exchange Act of 1934 in that it is designed to assure the safeguarding of securities which are in the custody or control of MSTC and for which it is responsible by providing uniform and cost effective security withdrawal procedures.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Some Participants requested clarification on the proposed rule change and expressed a desire to be able to request early withdrawal of securities, if necessary. Participants were advised that early security withdrawal Requests will be processed in the order received by MSTC. Accordingly, those submitting early withdrawal requests will have such requests processed on a timely basis.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (A) By order approved the proposed rule change, or (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 15, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Dated: February 17, 1988.

[FR Doc. 88-3806 Filed 2-22-88; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-25357; File No. SR-MBS-83-2]

Self-Regulatory Organizations; MBS Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given

that on February 1, 1988, the MBS Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is a copy of the Revised Schedule of Charges for MBSCC's Clearing Division.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Clearing Division fees have been adjusted to better reflect the costs of providing the various services to Clearing Division Participants.

The revised fee schedule is consistent with section 17A of the Securities Exchange Act of 1934 in that it provides for the equitable allocation of reasonable dues, fees and other charges among MBSCC's Participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The MBS Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of

the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 15, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Dated: February 17, 1988.

EXHIBIT A.—SCHEDULE OF CHARGES

Service	Fee
Account maintenance.....	\$5,000/month. ¹
Book-entry delivery/receipt	\$7.75/each.
Book-entry DK.....	\$7.75/each.
Funds movement (end-of-day).....	\$4.50/each.
Funds movement (between participants).....	\$7.75/each.
Seg movement (.50 a side)	\$1.00/each.
Safekeeping.....	\$1.25/pool/month.
P&I disbursement.....	\$1.50/pool/month.
Deposits	\$7.75/each. ²
Withdrawals	\$7.75/each. ³

¹ Temporarily reduced to \$2,200/month until MBSCC resumes coupon conversion schedule.

² Does not apply to bulk deposits.

³ Plus GNMA transfer fee.

Refer to the Communication and Re-billable Service Fee Schedules for additional charges that may be applicable to your account.

[FR Doc. 88-3802 Filed 2-22-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25356; File No. SR-MBS-88-3]

Self-Regulatory Organizations; MBS Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 2, 1988, the MBS Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is a copy of the Revised Schedule of Charges for MBSCC's Depository Division.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Depository Division fees have been adjusted to better reflect the costs of providing the various services to Depository Division Participants.

The revised fee schedule is consistent with section 17A of the Securities Exchange Act of 1934 in that it provides for the equitable allocation of reasonable dues, fees and other charges among MBSCC's Participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The MBS Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 15, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Dated: February 17, 1988.

Exhibit A—MBSCC Clearing Division**Schedule of Charges****Account Maintenance:**

—Primary/Secondary Account—
\$350.00/month

—Options Account—\$50.00/month

Trade Recording:

—Dealer—\$4.00/side

—Broker—\$2.00/side

Settlement Balance Orders—\$8.00/
\$1MM face value

Special Cashiering (if applicable)

Sides/Month	Fee/ Month
30 or less.....	\$50.00
31-90.....	100.00
91 or more.....	150.00

Shipping Charges (if applicable)—Re-
billed at cost

Telecopying (Dex) Charges—\$2.00/page

[FR Doc. 88-3803 Filed 2-22-88; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2292;
Amdt. #2]

**California; Declaration of Disaster
Loan Area**

The above-numbered declaration (52 FR 38830), and Amendment #1 (52 FR 47817) are hereby further amended to give notice that the incident period of the earthquake and continuing aftershocks in Los Angeles and Orange Counties of the State of California which began on October 1, 1987, ended on February 16, 1988 for purposes of eligibility for disaster assistance from the Small Business Administration.

The amended filing period for such disaster assistance as the result of the earthquake has already expired. However, eligible persons, firms and organizations who suffered damage as the result of the aftershock of February 11, 1988 may file applications for physical damage until the close of business on March 10, 1988.

Eligible persons, firms and organizations who suffered additional damage as the result of the aftershock of February 11, 1988 and whose applications have already been filed with and accepted by the Small Business Administration may amend their existing applications until the close of business on March 10, 1988 to reflect the additional damage resulting from the aftershock of February 11, 1988. All other information remains the same; i.e., the termination date for filing

applications for economic injury is the close of business on July 7, 1988.

Dated: February 17, 1988.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 88-3817 Filed 2-22-88; 8:45 am]

BILLING CODE 8025-01-M

**Region IX Advisory Council; Public
Meeting**

The U.S. Small Business Administration, Region IX Advisory Council, located in the geographical area of Phoenix, Arizona, will hold a public meeting at 1:00 p.m. Tuesday, March 15, 1988, at the SBA Phoenix District Office, first floor conference room, 2005 N. Central Avenue, Phoenix, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Anthony White, District Director, U.S. Small Business Administration, 2005 N. Central Avenue, Fifth Floor, Phoenix, Arizona 85004-(602) 261-3732.

Jean M. Nowak,

Director, Office of Advisory Councils.

February 17, 1988.

[FR Doc. 88-3818 Filed 2-22-88; 8:45 am]

BILLING CODE 8025-01-M

**Region IX Advisory Council; Public
Meeting**

The U.S. Small Business Administration, Region IX Advisory Council, located in the geographical area of San Francisco, California, will hold a public meeting at 1:00 p.m. on Tuesday, March 22, 1988, at 211 Main Street—5th Floor—Room 543, San Francisco, to discuss such matters as may be presented by members, staff of the Small Business Administration, and others present.

For further information, write or call Office of District Director, U.S. Small Business Administration, San Francisco District Office, 211 Main Street—4th Floor, San Francisco, California 94105, (415) 974-0642

Jean M. Nowak,

Director, Office of Advisory Councils.

February 17, 1988.

[FR Doc. 88-3819 Filed 2-22-88; 8:45 am]

BILLING CODE 8025-01-M

**Maximum Annual Cost of Money to
Small Business Concerns**

13 CFR 107.302 (a) and (b) limit maximum annual Cost of Money (as

defined in 13 CFR 107.3) that may be imposed upon a Small Concern in connection with Financing by means of Loans or through the purchase of Debt Securities. The cited regulation incorporates the term "Debenture Rate" which is defined elsewhere in 13 CFR 107.3 in terms that require SBA to publish, from time to time, the rate charged on ten-year debentures sold by Licensees to the public. Notice of this rate will be published upon change in the Debenture Rate.

Accordingly, Licensees are hereby notified that effective the date of publication of this Notice, and until further notice, the Debenture Rate to be used for computation of maximum cost of money pursuant to 13 CFR 107.302 (a) and (b) is 8.85 per annum.

13 CFR 107.307 does not supersede or preempt any applicable law imposing an interest ceiling lower than the ceiling imposed by its own terms. Attention is directed to section 308(i) of the Small Business Investment Act, as further amended by section 1 of Pub. L. 99-226, December 28, 1985 (99 Stat. 1744), to that law's federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

Dated: February 17, 1988.

[FR Doc. 88-3820 Filed 2-22-88; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/1167]

**National Committee of the U.S.
Organization for the International
Telegraph and Telephone Consultative
Committee (CCITT); Chairman's Ad
Hoc Group for Communications
Development; Meeting**

The Department of State announces that the Chairman's Ad Hoc Group on International Communications Development of the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet March 16, 1988 at 10:00 a.m. in Room 1912, Department of State, 2201 C Street NW., Washington, DC.

The National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCITT activities. The Ad Hoc Group on International Communications Development reviews issues pertaining to the improvement and/or expansion of

the communications infrastructure in developing countries.

This meeting will review recent developments concerning the Center for Telecommunications Development, specifically its initial field projects and other issues to be considered by the Center's Advisory Board at its March 28-29 session. It will also review the progress of U.S. preparations for the 1989 Plenipotentiary Conference of the International Telecommunication Union regarding Communications development matters.

Members of the general public, specifically representatives of the telecommunications industry and those who are concerned with telecommunications development issues in developing countries, are invited to attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. All attendees must use the C Street entrance to the building. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. All persons wishing to attend should call (202) 647-4629.

Request for further information should be directed to Mr. D. Clark Norton, State Department, Washington, DC, telephone (202) 647-4629.

Date: February 16, 1988.
Earl S. Barbely,
Executive Secretary.
[FR Doc. 88-3787 Filed 2-22-88; 8:45 am]
BILLING CODE 4710-07-M

[Public Notice CM-8/1170]

Shipping Coordinating Committee; Meeting

The Shipping Coordinating Committee will conduct an open meeting at 1:00 pm on March 3, 1988 in Room 1205, Department of State, 2201 C Street NW., Washington, DC 20520.

The purpose of the meeting is to discuss preparations for the 13th Session of the United Nations Conference on Trade and Development (UNCTAD) Committee on Shipping. The Shipping Coordinating Committee will discuss, *inter alia*, development of positions dealing with the following topics:

- Proposals for a UNCTAD sponsored "Common Measure of Understanding on Shipping and Shipbuilding Questions" to coordinate and regulate the shipbuilding policies of member countries.
- Work program of the UNCTAD Committee on Shipping.

- Economic and Commercial implications of the Hamburg Rules.
- Study of the effects of transport costs on commodity exports.

Members of the public may attend up to the seating capacity of the room. Persons wishing to discuss any of the above items or other subject regarding the UNCTAD Committee on Shipping should attend or otherwise contact the Department of State.

Rapid developments forcing scheduling changes prevented the required two weeks advance notification.

Access to the State Department building is controlled. Members of the public wishing to attend the meeting are requested to call in advance. For building access or for further information, contact Peter R. Keller or Stephen M. Miller, Office of Maritime and Land Transport, Room 5826, Department of State, Washington, DC 20520, telephone (202) 647-6961.

Date: February 19, 1988.
Peter R. Keller,
Executive Secretary, Shipping Coordinating Committee.
[FR Doc. 88-3896 Filed 2-22-88; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: February 16, 1988.
The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0796
Form Number: 6524
Type of Review: Extension
Title: Office of Chief Counsel Application
Description: The Chief Counsel Application form provides data we deem critical for evaluating attorney applicant's qualifications such as LSAT score, bar admission status, type of work preference, law school, class standing. SF 171 does not provide this information.

Respondents: Individuals or households
Estimated Burden: 600 hours
OMB Number: 1545-0912
Form Number: None
Type of Review: Extension
Title: Definitions Relating to Exemptions From the Windfall Profit Tax
Description: The regulation provides rules and definitions relating to several exemptions from the Windfall Profit Tax. In order to obtain an exemption from Windfall Profit Tax withholding, the taxpayer must provide a purchaser of oil with an exemption certificate.
Respondents: Individuals or households
Estimated Burden: 250 hours
Clearance Officer: Garrick Shear, (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202) 385-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Departmental Reports Management Officer.
[FR Doc. 88-3761 Filed 2-22-88; 8:45 am]
BILLING CODE 4810-25-M

Privacy Act of 1974; Proposed New Routine Uses for an Existing System of Records

AGENCY: United States Savings Bonds Division, Department of the Treasury.
ACTION: Notice of proposed new routine uses for an existing system of records.

SUMMARY: The purpose of this notice is to propose new routine uses and disclosure authority for the Savings Bonds Employee Records System (Treasury/USSBD .001). The proposed routine uses would permit the disclosure of information from the Savings Bonds Employee Records System to other Federal agencies, to approved debt collection agencies, and to consumer reporting agencies.

Information will be disclosed under the proposed routine uses only for duly authorized debt collection on behalf of the United States, in accordance with the provisions of Pub. L. 97-365, known as the "Debt Collection Act of 1982," enacted October 25, 1982.

DATES: Any interested party may submit written comments regarding this proposal. To be considered, comments must be received on or before March 24, 1988. Unless public comments are received which warrant modification of the proposed routine use, it will become effective March 24, 1988.

ADDRESS: Written comments should be forwarded to Jerrold B. Speers, Executive Director, U.S. Savings Bonds Division, 1111—20th Street NW., Washington, DC 20036. Comments which are received will be available for public inspection at the above address from 9:00 am to 5:00 pm, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Stephen Meyerhardt, Manager of Public Affairs, U.S. Savings Bonds Division, 1111 20th St. NW., Washington, DC 20036.

SUPPLEMENTARY INFORMATION: In order to increase the efficiency of Government-wide efforts to collect debts owed to the United States and to provide additional procedures for the collection of debts owed to the United States, the Debt Collection Act of 1982, Pub. L. 97-365, was enacted. This legislation amended the Privacy Act of 1974, 5 U.S.C. 552a, to permit Federal agencies to disclose information for the purpose of collecting money owed to them.

(Sections of the 1982 Act mentioned below have been codified as follows: Section 5, 5 U.S.C. 5514; Section 8(a), 26 U.S.C. 6103(m); Section 10, 31 U.S.C. 3716; Section 13, 31 U.S.C. 3718)

In accordance with the publication requirements of the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), the Savings Bonds Division gives notice of the inclusion of new routine uses for Treasury/USSBD .001. The disclosure of a system taxpayer's mailing address for use by officers, employees, or agents of the Savings Bonds Division for the purpose of locating such taxpayer to collect or compromise a Federal claim against the taxpayer is authorized by section 8(a)(2)(A) of the Debt Collection Act of 1982, and has been determined by Congress to be compatible with the purpose for which the information was collected. The Debt Collection Act of 1982, at section 8(a)(2)(B), likewise authorizes the disclosure of the mailing address of a taxpayer under this system to a consumer reporting agency for the sole purpose of facilitating the preparation of a commercial credit report on the taxpayer for use by the disclosing Federal agency. The disclosure of a taxpayer's address for use in preparing a commercial credit report on the taxpayer has also been found by Congress to be compatible with the purpose for which the information was collected. Under this notice, mailing addresses obtained by the Savings Bonds Division from the Internal Revenue Service will be disclosed to debt collection agencies only for the purpose of recovering debts

owed to the United States. Similarly, such addresses will be disclosed to consumer reporting agencies in conjunction with the preparation of commercial credit reports for use by the Savings Bonds Division under the provisions of the Debt Collection Act of 1982.

In addition to taxpayer mailing addresses, other identifying debtor information will be disclosed to consumer reporting agencies for the purpose of obtaining commercial credit reports. Information made available in such reports, such as a debtor's financial ability to repay the debt, will be utilized by the Savings Bonds Division in determining what action the Division will take with respect to the collection of the debt. Information contained in the report may be released to a debt collection agency for the enforced collection of the debt or may be referred to the Department of Justice for litigation. Regulations controlling the referral of claims to the Department of Justice require that a referred claim be accompanied by reasonably current credit data indicating that there is a reasonable prospect of effecting enforced collections from the debtor. The preparation of a commercial credit report by a credit reporting agency often provides the only viable means of obtaining necessary information.

Section 13 of the Debt Collection Act of 1982 authorizes the head of an agency or a designee to enter into contracts with debt collection agencies for the purpose of recovering debts owed the United States. This necessitates the disclosure of significant quantities of data in the debtor's file and also triggers section (m) of the Privacy Act. Consequently, any debt collection agency selected by the Savings Bonds Division will be bound by contract to comply with the provisions of the Privacy Act. Additionally, the contracted debt collection agency will be "employees" of the Savings Bonds Division insofar as the criminal sanctions provided in the Privacy Act are concerned. The Savings Bonds Division intends to avail itself of the services of responsible debt collection agencies when such action is appropriate, and will incorporate language in debt collection contracts that prohibit the abridgment of protected privacy rights.

Sections 5 and 10 of the Debt Collection Act of 1982 authorize agencies to disclose, as a routine use, debtor information that is used to effect salary or administrative offsets. Interagency cooperation is often necessary to effect an offset and, as a result, in those instances in which the

collection of a debt is sought through administrative offset, the Savings Bonds Division will disclose debtor information to other agencies. The Debt Collection Act of 1982 requires that prior to initiating any proceedings to recover a debt through salary or administrative offset, agencies must provide the debtor with a series of procedural rights, including, but not limited to, written notice of the debt; the opportunity to inspect and copy records relating to the debt; an opportunity for agency review of the debt or, in the case of salary offset, the opportunity for a hearing before an individual who is not under the control or supervision of the agency; and an opportunity to enter into a written agreement for repayment of the debt. Prior to collection of a debt by salary or administrative offset, the Savings Bonds Division will provide the debtor with the rights required by the Act.

Sections 5, 8, 10, and 13 of the Debt Collection Act of 1982 establish that the disclosure of records from Treasury/USSBD .001 for the purposes described above is compatible with the purpose for which the records were originally collected.

Pursuant to the requirement of section 3(d)(1)(A) of the Federal Claims Collection Act of 1966, the Savings Bonds Division gives notice of its intent to disclose to consumer reporting agencies information contained in Treasury/USSBD .001 that is related to the identify of a debtor and the history of the debt. The purpose of the disclosure is to make delinquency and default data available to private sector credit grantors. However, the only information which will be disclosed from Treasury/USSBD .001 to a consumer reporting agency pursuant to the authority set forth in 5 U.S.C. 552a(b)(12) is the individual's name, address, taxpayer identification number (SSN), and such other information necessary to establish the identity of the individual, the amount, status, and history of the claim, and the agency or program under which the claim arose. Finally, such disclosures will be made only when a claim is overdue, and then only after the debtor has been given the due-process rights specified in the Debt Collection Act of 1982.

Although authorized as an exception to the Privacy Act (5 U.S.C. 552a(b)(12)) rather than as a routine use exception to that Act (5 U.S.C. 552a(b)(3)), the notice of disclosure to consumer reporting agencies is, at the direction of the Office of Management and Budget, being published at the end of the listing of the

routine uses for Treasury/USSBD .001 in order to maintain editorial consistency.

Dated: February 17, 1988.

Jill E. Kent,

Acting Assistant Secretary of the Treasury (Management).

For the reasons set out in the preamble, Treasury/USSBD .001 is amended to read as follows:

Treasury/USSBD .001

SYSTEM NAME:

Savings Bonds Employee Records System—Treasury/USSBD.

SYSTEM LOCATION:

U.S. Savings Bonds Division, Department of the Treasury, 1111—20th St. NW., Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of USSBD.

CATEGORIES OF RECORDS IN THE SYSTEM:

Appeal and Grievance Records, Applicant Supply Files, Case Actions, Employee Earning Statements, Employee Financial Statements, Equal Employment Opportunity Files, Incentive Awards and Reports, Itineraries, Locator Cards, Medical Records, Merit Promotion Records, Motor Vehicle Records, Payroll, Performance Evaluation, Personal Investigation, Position Control, Reduction-In-Force File, Register of Separation and Transfer, Retirement Cards, Time and Attendance Records, Tort Claims, Training Records and Reports, Travel Vouchers. All personnel records not mentioned, but maintained at the Division, are considered to belong to the Office of Personnel Management, and will be reported by that Agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Treasury Department Order No. 13 established the Division of Savings Bonds under the Office of the Fiscal Assistant Secretary, dated April 1941.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record of information from a record maintained in this system of records may be disclosed as a routine use when: (1) Providing employee information to other Federal personnel offices when an employee is under consideration for a position with that Agency; (2) Helping a Federal, state, or local agency maintaining civil, criminal, or other

relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the Division's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (3) Providing information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (4) To disclose to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (5) To furnish another Federal agency with information to effect inter-agency salary offset; to furnish another Federal agency with information to effect inter-agency administrative offset, except that no address information will be disclosed to another agency from this system; to furnish a consumer reporting agency with information to obtain commercial credit reports; and to furnish a debt collection contractor information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service and which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services as necessary.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures of debt information concerning a claim against an individual may also be furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97-365), to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records in Personnel, with the exception of card files, are stored in metal correspondence files, indexed by individual names and numbers. Files are maintained in separate offices according to the nature or content of data.

RETRIEVABILITY:

Storage of financial information is maintained on computer printouts supplied by the Bureau of the Mint. Time and attendance reports and travel vouchers of employees are stored in separate files and are accessible by name and Social Security Number.

SAFEGUARDS:

Files are accessible to Personnel employees and are locked at the close of each day.

RETENTION AND DISPOSAL:

Record pertaining to personal historical data are maintained for two years and are then sent to the Federal Records Center. Less important records are destroyed after the two-year period. All payroll and time-and-attendance records are retained between audit periods (normally two years) and then destroyed by shredding. Travel vouchers are maintained on file for three years after audit and then sent to the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Administration, Department of the Treasury, U.S. Savings Bonds Division, 1111—20th St., NW., Washington, DC 20226.

NOTIFICATION PROCEDURE:

Any individual who wishes to know whether this system contains a record pertaining to him/her should address his/her inquiry to: Director of Administration, Department of the Treasury, U.S. Savings Bonds Division, 1111—20th St., NW., Washington, DC 20226.

RECORD ACCESS PROCEDURES:

See System Manager and Notification Procedure above. An individual may request access to his/her records or any information pertaining to him/her by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds Officer during the entire time he/she has this information in his/her possession.

CONTESTING RECORD PROCEDURES:

Contested information should be specified, and the reason(s) for contesting the record listed. See System Manager above.

RECORD SOURCE CATEGORIES:

Data accumulated in the record system at the Savings Bonds Division are gathered from the individual and/or from sources directly connected with the employee's appointment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 88-3738 Filed 2-22-88; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 53, No. 35

Tuesday, February 23, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Monday, February 29, 1988.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Date: February 19, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-3914 Filed 2-19-88; 2:31 pm]

BILLING CODE 6210-01-M

LEGAL SERVICES CORPORATION

Board of Directors Meeting; Amendment of Agenda

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Not yet published.

PREVIOUSLY ANNOUNCED TIME AND DATE

OF MEETING: An open meeting will commence at 5:00 p.m. on Friday, February 26, 1988, and continue until all official business is completed.

EXPLANATION OF CHANGE: A new item is being added to the agenda entitled, "Subcommittee Authority."

CONTACT PERSON FOR MORE

INFORMATION: Maureen R. Bozell, Executive Office, (202) 863-1839.

Date Issued: February 19, 1988.

Maureen R. Bozell,

Secretary.

[FR Doc. 88-3877 Filed 2-19-88; 12:28 pm]

BILLING CODE 7050-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 2:00 p.m. (eastern time) Monday, February 29, 1988.

PLACE: Clarence M. Mitchell, Jr., Conference Room, No. 200-C on the Second Floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, DC 20507.

STATUS: Closed to the Public.

MATTERS TO BE DISCUSSED:

1. Agency Adjudication and Determination on the Record of Federal Agency Discrimination Complaints Appeals
2. Litigation Authorization: General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the *Federal Register*, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634-7249 at all times for information on these meetings.)

CONTACT PERSON FOR MORE

INFORMATION: Hilda D. Rodriguez, Acting Executive Officer on (202) 634-7249.

Date: February 18, 1988.

Hilda D. Rodriguez,

Executive Officer (Acting), Executive Secretariat.

This Notice Issued February 18, 1988.

[FR Doc. 88-3878 Filed 2-19-88; 12:18 pm]

BILLING CODE 6570-06-M

NATIONAL MEDIATION BOARD

TIME AND DATE: 2:00 p.m., Wednesday, March 9, 1988.

PLACE: Board Hearing Room 8th Floor, 1425 K Street NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of February, 1988.

2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Director's office following the meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Charles R. Barnes, Executive Director, Tel: (202) 523-5902.

Date of notice: February 16, 1988.

Charles R. Barnes,

Executive Director, National Mediation Board.

[FR Doc. 88-3838 Filed 2-19-88; 10:56 am]

BILLING CODE 7550-01-M

Corrections

Federal Register

Vol. 53, No. 35

Tuesday, February 23, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-131; FCC 87-356]

Radio Broadcasting Services; Unlimited-time Operation by Existing AM Daytime-only Radio Broadcast Stations; Discontinuance of Authorization of Additional Daytime-only Stations; and Minimum Power of Class III Stations

Correction

In rule document 88-823 beginning on page 1030 in the issue of Friday, January 15, 1988, make the following correction:

§ 73.21 [Corrected]

On page 1031, in the first column, in § 73.21, paragraph (a)(2)(iv) was incorrectly designated as "{vi}"

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 435

[BERC-514-F]

Medicaid Program Payments to Institutions

Correction

In rule document 88-2480 beginning on page 3586 in the issue of Monday, February 8, 1988, make the following correction:

§ 435.832 [Corrected]

On page 3596, in the third column, the section number now reading "§ 436.832" should read "§ 435.832".

BILLING CODE 1505-01-D

Tuesday
February 23, 1988

Part II

Department of Labor

Office of the Secretary

29 CFR Part 70

**Implementation of the Freedom of
Information Reform Act; Uniform Fee
Schedule and Administrative Guidelines;
Proposed Rule**

DEPARTMENT OF LABOR**Office of the Secretary****29 CFR Part 70****Implementation of the Freedom of Information Reform Act; Uniform Fee Schedule and Administrative Guidelines****AGENCY:** Office of the Secretary, Labor.**ACTION:** Proposed rule.

SUMMARY: This notice sets forth proposed Department of Labor regulations to implement the Freedom of Information Reform Act of 1986 and Executive Order 12600, as well as proposed revisions to the Department of Labor's procedural regulations that implement the Freedom of Information Act ("FOIA").

The Freedom of Information Reform Act of 1986 permits agencies to charge for the direct costs of providing FOIA services such as search, duplication, and, in certain cases, review. The Reform Act also requires each agency to promulgate regulations specifying the schedule of fees applicable to the processing of requests, and establishing guidelines for determining when such fees should be waived or reduced.

Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Information, signed June 23, 1987, requires agencies to establish procedures, subject to notice and comment, for notifying submitters of confidential commercial information when the agency determines that it may be required to disclose the information under FOIA.

The existing Department of Labor regulations implementing the Freedom of Information Act are proposed to be revised in their entirety. The proposed revisions are intended to simplify the Department's regulations, clarify the description of its procedures for access to records under the FOIA, clarify the system for referral of FOIA requests within the Department and from the Department to other Government agencies, and provide for notice to submitters of business information of the filing of requests for that information.

DATE: Comments must be received on or before March 24, 1988.

ADDRESS: Comments should be directed to: Seth Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, U.S. Department of Labor, Room N-2428, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Sofia P. Petters, (202) 523-8188.

SUPPLEMENTARY INFORMATION: The proposed revision to the Department of Labor regulations divides the rules into Subpart A which contains general information and Subpart B which establishes the procedures for access to records under FOIA. The existing regulations include both of these subjects in Subpart A. Subpart B in these proposed regulations also includes the procedures for predisclosure notification to submitters of confidential commercial information. Subpart C of the proposed regulations contains the fee schedule and criteria governing fee waivers. Most of Subpart C of the existing regulations has been deleted; the authority of component officials to promulgate supplementary regulations which is part of the current Subpart C has been included in Subpart A. Revisions of § 70.35(e) and § 70.36 in the existing regulations are now contained in Appendix A—Disclosure Officers.

Regulatory Flexibility Act

The proposed rules do not constitute "major rules" within the meaning of Executive Order 12291, and they will have no significant economic impact or other substantial effect on small entities, and therefore the requirements of the Regulatory Flexibility Act (5 U.S.C. 605(b)), do not apply. The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect.

Paperwork Reduction Act

This rule is not subject to section 3504(h) of the Paperwork Reduction Act, since it does not contain a collection of information requirement.

List of Subjects in 29 CFR Part 70

Freedom of Information Act.

Accordingly, Part 70 of Subtitle A of the Code of Federal Regulations, is proposed to be revised as set forth below:

PART 70—PRODUCTION OR DISCLOSURE OF INFORMATION OR MATERIALS**Subpart A—General**

Sec.

- 70.1 Purpose and Scope.
- 70.2 Definitions.
- 70.3 Policy.
- 70.4 Public Access to certain materials.
- 70.5 Compilation of new records.
- 70.6 Disclosure of originals.
- 70.7 Authority of Agency officials in Department of Labor.
- 70.8 Supplementary regulations currently in force.

Subpart B—Procedures for Disclosure of Records under the FOIA

- 70.9 Requests for records.
- 70.10 Response by components to requests.
- 70.11 Form and content of component responses.
- 70.12 Appeals from denial of requests.
- 70.13 Action on appeals.
- 70.14 Form and content of action on appeals.
- 70.15 Time limits and order in which requests and appeals shall be processed.
- 70.16 Predisclosure notification to submitters of confidential commercial information.
- 70.17 Preservation of records.

Subpart C—Costs for Production of Documents

- 70.18 Definitions.
- 70.19 Statutes specifically providing for setting of fees.
- 70.20 Charges assessed for the production of records.
- 70.21 Reduction or waiver of fees.
- 70.22 Ancillary considerations.

Subpart D—Public Records

- 70.23 Office of Labor Management Standards
- 70.24 Pension and Welfare Benefit Programs
- Appendix A to Part 70—Disclosure Officers

Authority: 5 U.S.C. 301.552 as amended; Reorganization Plan No. 6 of 1950, 5 U.S.C. Appendix; E.O. 12600, 52 FR 23781 (June 25, 1987).

Subpart A—General**§ 70.1 Purpose and scope.**

This part contains the regulations of the Department of Labor implementing the Freedom of Information Act ("FOIA"), as amended, 5 U.S.C. 552. It also implements the public information provisions of the Labor Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 435, 461. Subpart A contains general information about Department of Labor policies and procedures; Subpart B sets forth the procedures for obtaining access to records of the Department; and Subpart C contains the Department's regulations on fees. Appendix A contains a list of all Department of Labor disclosure officers from whom records may be obtained; Subpart D sets forth the procedures for obtaining access to certain public records.

§ 70.2 Definitions.

As used in this part:

(a) The terms "agency," "person," "party," "rule," "order," and "adjudication" have the meaning attributed to these terms by the definition in 5 U.S.C. 551.

(b) "Component" means each separate agency, bureau, office, board, division, commission, service or administration of the Department of Labor.

(c) "Disclosure officer" means those officials of the Department of Labor who have authority to disclose records under the FOIA and to whom requests to inspect or copy records in their custody may be addressed. Department of Labor disclosure officers are listed in Appendix A.

(d) The "Secretary" means the Secretary of Labor.

(e) The "Department" means the Department of Labor.

(f) "Request" means any request for records made pursuant to 5 U.S.C. 552(a)(3).

(g) "Requester" means any person who makes a request to a component.

(h) "Confidential commercial information" means records provided to the government by a submitter that arguably contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(i) "Business submitter" means any person or entity who provides confidential commercial information to the government. The term "business submitter", includes, but is not limited to corporations, labor organizations, state governments and foreign governments.

§ 70.3 Policy.

All agency records, except those specifically exempted from mandatory disclosure by one or more provisions of 5 U.S.C. 552(b) shall be made promptly available to any person submitting a written request in accordance with the procedures of this part.

§ 70.4 Public access to certain materials.

(a) To the extent required by 5 U.S.C. 552(a)(2), each component within the Department shall make the following materials available for public inspection and copying (unless they are published and copies are offered for sale):

(1) Final opinions, including concurring and dissenting opinions, as well as other, made in the adjudication of cases;

(2) Those statements of policy and interpretation which have been adopted by the agency and are not published in the *Federal Register*; and

(3) Administrative staff manuals and instructions to staff that affect a member of the public, and which are not exempt from disclosure under section (b) of the FOIA.

(b) Each agency of the Department shall also maintain and make available current indexes providing identifying information regarding any matter issued, adopted or promulgated after July 4, 1967, and required by paragraph (a) of this section to be made available or published. Each agency shall publish and make available for distribution, copies of such indexes and supplements thereto at least quarterly, unless it determines by Notice published in the *Federal Register* that publication would be unnecessary and impracticable. After issuance of such Notice, the agency shall provide copies of any index upon request at a cost not to exceed the direct cost of duplication.

(c) Whenever it is determined to be necessary to prevent a clearly unwarranted invasion of personal privacy, identifying details may be deleted from any record covered by this subsection that is published or made available for inspection.

(d) Certain records of the Department are available for examination or copying without the submission of a formal request under the FOIA, e.g., records maintained in public reference facilities. Information about the availability of records for examination and copying may be obtained by addressing an inquiry to the component which has custody of the records, or if the appropriate component is unknown, to the Assistant Secretary for Administration and Management.

§ 70.5 Compilation of new records.

Nothing in 5 U.S.C. 552 or this part requires that any agency or component create a new record, either manually from preexisting files or through creation of a computer program, in order to fill a request for records.

§ 70.6 Disclosure of originals.

No original document or record in the custody of the Department of Labor, or of any agency or officer thereof, shall on any occasion be given to any agent, attorney, or any other person not officially connected with the Department without the written consent of the Secretary or the Solicitor of Labor.

§ 70.7 Authority of Agency Officials in Department of Labor

Each agency of the Department of Labor for which an officer or officers have authority to issue rules and regulations may through such officers promulgate supplementary regulations not inconsistent with this part, governing the disclosure of particular or specific records which are in the custody of that departmental unit.

§ 70.8 Supplementary regulations currently in force.

Regulations duly promulgated by agencies of the Department and currently in force which govern the disclosure of records in the custody of the affected agency, shall remain in effect, insofar as such regulations are consistent with the provisions of this part, until such regulations are modified or rescinded.

Subpart B—Procedures for Disclosure of Records Under FOIA

§ 70.9 Requests for records.

(a) *To Whom to Direct Requests.* Requests under this subpart for a record of the Department of Labor must be in writing. A request should be sent to the component that maintains the record at its proper address and both the envelope and the request itself should be clearly marked "Freedom of Information Act Request." (Appendix A of this part lists the components of the Department of Labor and their addresses.) The functions of each component are summarized in the United States Government Manual which is issued annually and is available from the Superintendent of Documents. This initial list of responsible officials has been included for informational purposes only, and the officials may be changed through appropriate designation. Regional, district and field office addresses have been included in Appendix A to assist requesters in identifying the disclosure officer who is most likely to have custody of the records sought.) Requesters who need guidance in defining a request or determining the proper component to which the request should be addressed, may write to the Assistant Secretary for Administration and Management, 200 Constitution Avenue NW., Washington, DC 20210.

(b) *Description of information requested.* Each request shall reasonably describe the record or records sought; i.e., in sufficient detail to permit identification and location thereof with a reasonable amount of effort. So far as practicable, the request should specify the subject matter of the record, the date or approximate date when made, the place where made, the person or office that made it, and any other pertinent identifying details.

(c) *Deficient descriptions.* If the description is insufficient so that a professional employee who is familiar with the subject area of the request cannot locate the record with a reasonable amount of effort, the officer processing the request will notify the

requester and indicate any additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought.

(d) *Classified records.* Any classified records which are in the custody of the Department of Labor shall be referred to the classifying agency under the provisions of § 70.10 (c) and (d).

(e) *Agreement to pay fees.* The filing of a request under this subpart shall be deemed to constitute an agreement by the requester to pay all applicable fees charged under this part, up to \$25.

§ 70.10 Responses by components to requests.

(a) *In general.* (1) Except as otherwise provided in this section, when a request for a record is received, the component having custody of the requested record shall ordinarily be responsible for responding to the request.

(2) However, when another component or agency is better able to determine the disclosability of a record, that component or agency shall be responsible for responding to the request.

(3) The time for responding to a request begins to run when it is received by the component or agency responsible for making the determination on disclosure.

(b) *Authority to grant or deny requests.* The disclosure officer, or his or her designee, is authorized to grant or deny any request for a record in his or her custody.

(c) *Determination that request has been received by the proper component.*

(1) When a component receives a request for a record, the component shall promptly determine whether another component or another agency of the Government is better able to determine whether the record is exempt to any extent from mandatory disclosure under the FOIA.

(2) If the receiving component determines that it is the component and agency better able to determine whether or not to disclose the record requested, that component shall respond to the request.

(3) If the receiving component determines that another component or agency is better able to determine whether the requested record is exempt from mandatory disclosure under the FOIA, the receiving component shall refer the request to the appropriate component or agency.

(4) If the receiving component determines that it is the component and agency better able to determine whether part of the requested records is exempt from disclosure, and another component

or agency has primary responsibility with respect to other parts of the requested record, the receiving component shall either:

- (i) Respond to the request after consulting with the appropriate component or agency concerning the records for which that component or agency has primary responsibility, or
- (ii) Respond to the part of the request for which it has primary responsibility and refer the other portion or portions of the request to the appropriate component or agency.

(d) *Notice of referral.* Whenever a component refers all or any part of the responsibility for responding to a request to another component or to another agency, it shall notify the requester of the referral and inform the requester of the name and address of each component or agency to which the request has been referred and the portions of the request so referred.

(e) *Processing of requests that are not properly addressed.* (1) A request that is not properly addressed as specified in § 70.7(a) of this Subpart shall be forwarded to the appropriate component, if known, or to the Office of the Assistant Secretary for Administration and Management (OASAM), which shall make reasonable efforts to determine the appropriate component and, if able to do so, shall forward the request to the appropriate component or components for processing. A request not addressed to the appropriate component will be deemed not to have been received by the Department of Labor until OASAM has forwarded the request to the appropriate component and that component has received the request, or until the request would have been so forwarded and received with the exercise or reasonable diligence by Department personnel.

(2) A component receiving an improperly addressed request forwarded by OASAM shall notify the requester of the date on which it received the request.

(f) *Date for determining responsive records.* In determining records to a request, a component will include only those records existing as of the date of its receipt of the request.

§ 70.11 Form and content of component responses.

(a) *Form of notice granting a request.* After a component has made a determination to grant a request in whole or in part, the component shall so notify the requester in writing. The notice shall describe the manner in which the record will be disclosed, whether by providing a copy of the

record to the requester or by making a copy of the record available to the requester for inspection at a reasonable time and place. The procedure for such an inspection shall not unreasonably disrupt the operations of the component. The component shall inform the requester in the notice of any fees to be charged in accordance with the provisions of Subpart C.

(b) *Form of notice denying a request.* A disclosure officer denying a request in whole or in part shall so notify the requester in writing. The notice shall be signed by the disclosure officer or his designee, and shall include:

(1) The name and title or position of the disclosure officer and if applicable, of the designee.

(2) A brief description of the records withheld and a brief statement of the reason or reasons for the denial, including the FOIA exemption or exemptions which the component has relied upon in denying the request.

(3) A statement that the denial may be appealed under § 70.12 and a description of the requirements of that subsection.

(c) *Record cannot be located or has been destroyed.* If a requested record cannot be located from the information supplied, or is known or believed to have been destroyed or otherwise disposed of, the component shall so notify the requester in writing.

§ 70.12 Appeals from denial of requests.

When a request for access to records or for a waiver of fees has been denied in whole or in part, where a requester disputes matters relating to the assessment of fees, or when a component fails to respond to a request within the time limits set forth in the FOIA, the requester may appeal the denial of the request to the Solicitor of Labor. The appeal must be filed within 90 days of a notice denying the request, including a denial of a request for a fee waiver, or an agency's response on a dispute of matters relating to the assessment of fees, or in the case of a partial denial, 90 days from the date the material was received by the requester. The appeal shall state, in writing, the grounds for appeal, including any supporting statements or arguments. To facilitate processing, the appeal should include copies of the initial request and the response of the disclosure officer. The appeal shall be addressed to the Solicitor of Labor, Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Both the envelope and the letter of appeal itself must be clearly marked: "Freedom of Information Act Appeal."

§ 70.13 Action on appeals.

The Solicitor of Labor, or his designee, shall review the appellant's supporting papers and make a determination *de novo* whether the denial of the request for records was proper and in accord with the applicable law.

§ 70.14 Form and content of action on appeals.

The disposition of an appeal shall be in writing. A decision affirming in whole or in part the denial of a request shall include a brief statement of the reason or reasons for the affirmance, including each FOIA exemption relied upon and its relation to each record withheld, and a statement that judicial review of the denial is available in the United States District Court for the judicial district in which the requester resides or has his principal place of business, the judicial district in which the requested records are located, or the District of Columbia. If it is determined on appeal that a record should be disclosed, the record should be provided promptly in accordance with the decision on appeal.

§ 70.15 Time limits and order in which requests and appeals shall be processed.

Components of the Department of Labor shall comply with the time limits required by the FOIA for responding to and processing requests and appeals, unless there are exceptional circumstances within the meaning of 5 U.S.C. 552(a)(6)(C). A component shall notify a requester whenever the component is unable to respond to or process the request or appeal within the time limits established by the FOIA.

§ 70.16 Predisclosure notification to submitters for confidential commercial information.

(a) *In general.* FOIA requests for confidential commercial information provided to the Department by business submitters shall be processed in accordance with this section.

(b) *Designation of confidential commercial information.* Business submitters of information to the Department, at the time of submission or within a reasonable time thereafter, may designate specific information as confidential commercial information subject to the provisions of this section. Such a designation may be made for information which the submitter claims could reasonably be expected to cause substantial competitive harm. The designation must be in writing and whenever possible, the submitter's claim of confidentiality shall be supported by a statement or certification by an officer or authorized representative of the submitter that the identified information

in question is, in fact, confidential commercial or financial information and has not been disclosed to the public.

(c) *Notice to submitters of confidential commercial information.* A component shall provide a business submitter with prompt written notice of a request encompassing its business information whenever required under paragraph (d) of this section, and except as is provided in paragraph (g) of this section. Such written notice shall either describe the nature of the confidential commercial information requested or provide copies of the records or portions thereof containing the requested information.

(d) *When notice is required.* (1) For confidential commercial information submitted to the Department prior to January 1, 1988, the component shall provide a business submitter with notice of a request whenever—

(i) Less than 10 years have passed since the date the information was received by the Department and the information is subject to prior express commitment or confidentiality given by the component to the business submitter, or

(ii) The component has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm.

(2) For confidential commercial information submitted to the Department on or after January 1, 1988, the component shall provide a business submitter with notice of a FOIA request whenever—

(i) The business submitter has in good faith previously designated the information as commercially or financially sensitive information, or

(ii) The component has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm.

Notice of a request for confidential commercial information falling within paragraph (d)(2)(i) of this section shall be required for a period of not more than ten years after the date of submission. The business submitter may request a specific notice period of greater duration. The submitter should provide a justification for such a request. In such a case, the Department may, in its discretion, provide for an extended notice period.

(e) *Opportunity to object to disclosure.* Through the notice described in paragraph (c) of this section, a component shall afford a business submitter a reasonable period within which to provide the component with a

detailed statement of any objection to disclosure. Such statement shall specify all grounds for withholding any of the information under Exemption 4 of the Freedom of Information Act, and shall demonstrate the basis for the contention that the information is contended to be a trade secret or commercial or financial information that is privileged or confidential. Information provided by a business submitter pursuant to this paragraph may itself be subject to disclosure under the FOIA.

(f) *Notice of intent to disclose.* A component shall consider a business submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose business information which has been designated by the submitter as confidential commercial information. Whenever a component decides to disclose such information over the objection of a business submitter or designee, the component shall notify the business submitter in writing. Such notice shall include:

(1) A description of the information to be disclosed;

(2) A specified disclosure date;

(3) A statement of why the submitter's objections are not sustained.

Such notice of intent to disclose shall to the extent permitted by law be forwarded a reasonable number of days, prior to the specified date upon which disclosure is intended. The requester shall be provided with a copy of the notice of intent to disclose.

(g) *Exceptions to notice requirements.* The notice requirements of this section shall not apply if:

(1) The component determines that the information should not be disclosed;

(2) The information lawfully has been published or has been officially made available to the public; or

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552).

(4) The disclosure is required by a rule that—

(i) Was adopted pursuant to notice and public comment;

(ii) Specifies narrow classes of records submitted to the agency that are to be released under the Freedom of Information Act; and

(iii) Provides in exceptional circumstances for notice when the submitter provides written justification,

at the time the information is submitted or a reasonable time thereafter, that disclosure of the information could reasonably be expected to cause substantial competitive harm.

(5) The information request has not been designated by the submitter as in accordance with paragraph (b) of this section, and the submitter had an opportunity to do so at the time of submission of the information or a reasonable time thereafter, unless the component has reason to believe that disclosure of the information would result in substantial competitive harm; or

(6) The designation made by the submitter in accordance with these regulations appears obviously frivolous; except that in such case, the component must provide the submitter with written notice of any final administrative disclosure determination within a reasonable number of days prior to the specified disclosure date.

(h) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclosure of confidential commercial information covered by paragraph (b) of this section, the component shall promptly notify the business submitter.

(i) *Notice requirements.* The component shall fulfill the notice requirements of this section by addressing the notice to the business submitter or its legal successor at the address indicated on the records, or the last known address. If the notice is returned, the component shall make a reasonable effort to locate the business submitter or its legal successor. Where notification of a voluminous number of submitters is required, such notification may be accomplished by posting and publishing the notice in a place reasonably calculated to accomplish notification.

§ 70.17 Preservation of records.

Each component shall preserve all correspondence relating to the requests it receives under this part, and all records processed pursuant to such requests, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 of the United States Code. Under no circumstances shall records be destroyed while they are the subject of a pending request, appeal, or lawsuit under the Act.

Subpart C—Costs for Production of Documents

§ 70.18 Definitions.

The following definitions apply to the terms of this subpart.

(a) The term a "statute specifically providing for setting the level of fees for particular types of records" (See 5 U.S.C. 552(a)(4)(A)(vi)), means any statute other than FOIA that specifically requires a Government agency to establish a fee schedule for particular

types of records. An example of such a statute is section 205(c) of the Labor-Management Reporting and Disclosure Act, as amended, 29 U.S.C. 435(c). Statutes such as the User Fee Statute which only provide a general discussion of fees without explicitly requiring that an agency set and collect fees for particular documents are not within the meaning of this term.

(b) The term "direct costs" means those expenditures which an agency actually incurs in searching for and duplicating (and in the case of a commercial requester, reviewing) documents to respond to an FOIA request. Direct cost includes the salary of the employee performing the work and the cost of operating duplicating machinery, and when appropriate the cost of the medium in which the information is made available.

(c) The term "duplication" means the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audiovisual materials or machine-readable documentation (e.g. magnetic tape or disk), among others.

(d) The term "search" means the process of looking for material that is responsive to a FOIA request; including page-by-page or line-by-line identification of materials within documents or, when available, use of an existing computer program. Searches are to be distinguished from the review of material, as defined in § 70.18(e), which is performed to determine whether material is exempt from disclosure.

(e) The term "review" means the process of examining documents located in response to a request that is for a commercial use, as defined in § 70.18(f), to determine whether any portion of the document located is exempt from disclosure, and accordingly may be withheld. It also includes the act of preparing materials for disclosure, *i.e.* doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(f) The term "commercial use request" means a request from one who seeks information for a use or purpose that furthers the commercial, trade or profit interests of the requester or the person or entity on whose behalf the request was submitted. When a request is submitted by a commercial enterprise, and from the nature of the information sought it appears the request is to further the objective of that enterprise, the request will be treated as a commercial use request unless the

requester indicates in the letter that the information is being sought for a non-commercial purpose. Where a requester indicates that the information is being sought for a noncommercial purpose, the disclosure officer will evaluate the requester's submission and determine how the request is to be treated. While requests by non-profit organizations would normally fall outside the commercial use category, when the disclosure officer determines that a request by such an entity or one acting on its behalf does further the entity's commercial interests, he or she may treat the request as a commercial use request.

(g) The term "educational institution" means:

(1) An institution which is a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education, and

(2) Operates a program or programs of scholarly research.

To qualify under this definition, the program of scholarly research in connection with which the information is sought must be carried out under the auspices of the academic institution itself as opposed to the individual scholarly pursuits of persons affiliated with an institution. For example, a request from a professor to assist him or her in writing a book independent of his or her institutional responsibilities would not qualify under this definition, whereas a request predicated upon research funding granted to the institution would meet its requirements. Likewise, a request from a student enrolled in an individual course of study at an educational institution would not qualify as a request from the institution.

(h) The term "non-commercial scientific institute" means an institution that is not operated on a "commercial" basis as that term is defined in § 70.18(f), and that is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(i) The term "representative of the news media" means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. Factors indicating such representation status include press accreditation, guild membership, a history of continuing publication, business registration, and/or Federal Communication Commission licensing, among others. For purpose of

this definition the term "news" contemplates information that is about current events or that would be of current interest to the public. A freelance journalist shall be treated as a representative of the news media if the person can demonstrate a solid basis for expecting publication of matters related to the requested information through a qualifying news media entity. A publication contract with a qualifying news media entity satisfies this requirement. An individual's past publication record with organizations of the foregoing nature is also relevant to this determination. Examples of news media entities include:

- (1) Television or radio stations broadcasting to the public at large, and
- (2) Publishers of periodicals (but only in those instances where they can qualify as disseminators of news) who make their products available for purchase or subscription by the general public.

§ 70.19 Statutes specifically providing for setting of fees.

Nothing in this Subpart shall supersede fees chargeable under a statute other than the Freedom of Information Act which specifically provides for setting the level of fees for particular types of records.

§ 70.20 Charges assessed for the production of records.

(a) There are three types of charges assessed in connection with the production of agency records in response to a Freedom of Information Act request: Costs associated with (1) searching for or locating responsive records (search costs), (2) reproducing such records (reproduction costs), and (3) reviewing records to determine whether any materials are exempt (review costs).

(b) There are four types of FOIA requesters:

- (1) Commercial use requesters,
- (2) Educational and non-commercial scientific institutions,
- (3) Representative of the news media, and
- (4) All other requesters.

Depending upon the nature of the requester, one or all of the foregoing costs may be assessed. Paragraph (c) of this section sets forth the extent to which the foregoing costs may be assessed against each type of requester. Paragraph (d) of this section establishes the actual rate to be charged in connection with each of the foregoing types of costs. Paragraph (e) delineates the manner in which costs are to be assessed against an individual seeking access to records about himself or

herself which are covered by the Privacy Act.

(c) *Categories of Users*—(1) *Commercial use requester*. When a commercial use requester as defined in § 70.18(f) makes a request for documents, search costs, reproduction costs and review costs may be assessed in their entirety.

(2) *Educational or non-commercial, scientific institution requester*. When an educational or non-commercial scientific institution requester, as defined in §§ 70.18 (g) and (h) makes a request, only reproduction costs may be assessed, excluding charges for the first 100 pages.

(3) *Request by representative of new media*. When a representative of the new media as defined in § 70.18(i) makes a request, only reproduction costs may be assessed, excluding charges for the first 100 pages.

(4) *All other requesters*. Requesters who do not fall within paragraphs (c) (1), (2) and (3) of the section may be charged search costs and reproduction costs, except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. Where computer searches are involved, *i.e.*, executing an existing program, however, the monetary equivalent of two hours of search time by a professional employee shall be deducted from the total costs of computer processing time.

(d) *Categories of costs*—(1) *Search costs*. When a search for records is performed by a clerical employee, a rate of \$2.50 per quarter hour will be applicable. When a search is performed by professional or supervisory personnel, a rate of \$5.00 per quarter hour will be applicable. If the search for requested records requires transportation of the searcher to the location of the records or transportation of the records to the searcher, all transportation costs in excess of \$5.00 may be added to the search cost. When an existing computer program is employed to locate records responsive to a request, the disclosure officer may charge the actual cost of providing the service.

(2) *Reproduction costs*. (i) The standard copying charge for documents in paper copy is \$15 per page. When responsive information is provided in a format other than paper copy, such as in the form of computer tapes and discs, the requester may be charged the direct costs of the tape, disc or whatever medium is used to produce the information, as well as any related reproduction costs.

(3) *Review costs*. Costs associated with the review of documents, as

defined in § 70.18(c), will be applicable at a rate of \$5.00 per quarter hour.

Except as noted below, charges may only be assessed for review at the initial level, *i.e.* the review undertaken the first time the documents are analyzed to determine the applicability of specific exemptions to the particular record or portion of the record. Thus a requester would not be charged for review at the administrative appeal level with regard to the applicability of an exemption already applied at the initial level. When, however, a record has been withheld pursuant to an exemption which is subsequently determined not to apply and is reviewed again at the appellate level to determine the potential applicability of other exemptions, the costs attendant to such additional review may be assessed.

(e) *Privacy Act requesters*. Requests from individuals for records about themselves which are contained within agency systems of records shall be treated under the fee provisions of the Privacy Act of 1974 which permit the assessment of reproduction costs only, after providing the first copy of a file at no cost.

§ 70.21 Reduction or waiver of fees.

This section sets forth conditions under which the applicable charges for records responsive to a request under 5 U.S.C. 552, as set forth in § 70.20, are subject to reduction or waiver by the disclosure officer.

(a) *Statutorily required waiver or reduction in fees*. Documents shall be furnished without charge or at a charge below the fees set forth in § 70.20 if all of the following conditions are satisfied:

(1) The subject of the requested records concerns the operations or activities of the United States Government;

(2) The disclosure of the requested records is likely to contribute to an understanding of Government operations or activities;

(3) The disclosure is likely to contribute to a public understanding of such operations or activities;

(4) The contribution to public understanding of government operations and activities will be significant; and

(5) The public's interest in disclosure exceeds the requester's commercial interest in disclosure.

(b) *De minimus costs*. Where the cost of collecting a fee to be assessed to a requester exceeds the amount of the fee which would otherwise be assessed, no fee need be charged. Under normal circumstances, fees which do not exceed \$5.00 need not be collected.

(c) *Reformulating requests.* When the estimated reproduction costs are likely to exceed \$25.00, the requester may be notified of the estimated amount of fees, unless the requester has indicated in advance its willingness to pay fees as high as those anticipated. Such notice may invite the requester to reformulate the request to satisfy his or her needs at a lower cost.

(d) *Reproduction costs expected to exceed \$250.00.* When the ultimate volume of page copy is such that the reproduction charge at the standard page rate is expected to exceed \$250.00, a person desiring reproduction may request a special rate quotation.

§ 70.22 Ancillary considerations.

(a) *Costs assessed when no records are disclosed.* The costs of searching for and, in the case of a commercial use request, reviewing records may be assessed even where ultimately no documents are disclosed.

(b) *Aggregating requests.* A requester may not file multiple requests, each seeking portions of a document or documents in order to avoid the payment of fees. When there is reason to believe that a requester or a group of requesters acting in concert, is attempting to break a request down into a series of requests for the purpose of evading the assessment of fees, any such requests may be aggregated and the requesters charged as if there were only a single request.

(c) *Advance payments.* An advance payment before work is commenced or continued on a request, may not be required unless:

(1) It is estimated or determined that the allowable charges that a requester may be required to pay are likely to exceed \$250. When a determination is made that the allowable charges are likely to exceed \$250, the requester shall be notified of the likely cost and be required to provide satisfactory assurance of full payment where the requester has a history of prompt payment of FOIA fees, or be required to tender advance payment of at least 50% of the full estimated charges in the case of requesters with no history of payment; or

(2) A requester has previously failed to pay a fee charged in a timely fashion (i.e., within 30 days of the date of the billing) in which case the requester may be required:

(i) To pay the full amount owed plus any applicable interest as provided in § 70.21(e), when an outstanding balance is due and owing, and

(ii) To make an advance payment of the full amount of the estimated fee

before the component begins to process a new request.

(3) In any case, the payment of outstanding fees may be required before responsive materials are actually disclosed to a requester.

(d) *Time limits to respond extended when advanced payments requested.* When an advanced payment of fees in accordance with paragraph (c) of this section, has been requested the administrative time limits prescribed in subsection (a)(6) of the FOIA, 5 U.S.C. 552(a)(6), will only begin to run after such advanced payment has been received by the agency.

(e) *Interest charges.* Interest charges on an unpaid bill may be assessed starting on the 31st day following the day on which the billing was sent. Interest shall be at the rate prescribed in section 3717 of Title 31 U.S.C. and shall accrue from the date of the billing.

(f) *Authentication of copies.* (1) *Fees.* The Freedom of Information Act does not require certification or attestation under seal of copies of records furnished in accordance with its provisions. Pursuant to provisions of the general user-charger statute, 31 U.S.C. 483a and Subchapter II of Title 29 of the United States Code, the following charges may be made where such services are requested:

(i) For certification of true copies; each \$1.

(ii) For attestation under the seal of the Department, each \$3.

(2) *Authority and form for attestation under seal.* Authority is hereby given to any officer or officers of the Department of Labor designated as authentication officer or officers of the Department to sign and issue attestations under the seal of the Department of Labor.

(g) *Transcripts.* All transcripts shall be made available in accordance with the terms set forth in § 70.20.

Subpart D—Public Records

§ 70.23 Office of Labor-Management Standards.

(a) The following documents in the custody of the Office of Labor-Management Standards are public information available for inspection and/or purchase of copies in accordance with paragraphs (b) and (c) of this section.

(1) Data and information contained in any report or other document filed pursuant to sections 201, 202, 203, 211, and 301 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 524–528, 530, 79 Stat. 888, 298 U.S.C. 431–433, 441, 461).

(2) Data and information contained in any report or other document filed

pursuant to the reporting requirements of Part 458 of this title, which are the regulations implementing the standards of conduct provisions of the Civil Service Reform Act of 1978, 5 U.S.C. 7120, and the Foreign Service Act of 1980, 22 U.S.C. 4117. The reporting requirements are found in 29 CFR 458.3.

(b) The above documents are available from: U.S. Department of Labor, Office of Labor-Management Standards, Public Documents Room, N-5616, 200 Constitution Avenue, NW., Washington, DC 20210. Documents are also available from the OLMS area or district office in whose geographic jurisdiction the reporting organization or individual is located. The addresses of these offices are listed in Appendix A of this Part.

(c) Pursuant to 29 U.S.C. 435(c) which provides that the Secretary shall by regulation provide for the furnishing of copies of the above documents, upon payment of a charge based upon the cost of the service, these documents are available at the cost of _____ [to follow the standard copying fee established in § 70.20] per page of record copies furnished. Authentication of copies is available in accordance with the fee schedule established in § 70.22(f). In accordance with 5 U.S.C. 552(a)(4)(A)(iii), the provisions for fee waivers and fee reductions in Subpart C do not supersede the above charges for these documents.

(d) Upon request of the Governor of a State for copies of any reports or documents filed pursuant to sections 201, 202, 203, or 211 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 524–528, 79 Stat. 888; 29 U.S.C. 431–441), or for information contained therein, which have been filed by any person whose principal place of business or headquarters is in such State, the Office of Labor-Management Standards shall:

(1) Make available without payment of a charge to the State agency designated by law or by such Governor, such requested copies of information and data, or:

(2) Require the person who filed such reports and documents to furnish such copies or information and data directly to the State agency thus designated.

§ 70.24 Pension and Welfare Benefit Programs.

The following documents are in the custody of the Office at the address indicated below, and the right of inspection and copying provided in this part may be exercised at such offices: Copies of summary plan descriptions, and annual reports, statements and

other documents filed pursuant to the Employee Retirement Income Security Act, Title I, and Part I, except that information described in section 105(a) and 105(c) with respect to a participant may be disclosed only to the extent that information respecting that participant's benefits under Title II of the Social Security Act may be disclosed under such Act. *Address:* U.S. Department of Labor, Office of Pension and Welfare Benefit Programs, Public Documents Room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Appendix A to Part 70—Disclosure Offices

(a) Offices in Washington, DC, are maintained by the following agencies of the Department of Labor. Field offices are maintained by some of these, as listed in the United States Government Manual (see § 70.5(b)).

- (1) Office of the Secretary of Labor
- (2) Office of the Solicitor of Labor
- (3) Office of the Assistant Secretary for Administration and Management
- (4) Office of Information and Public Affairs
- (5) Office of the Inspector General
- (6) Bureau of International Affairs
- (7) Bureau of Labor Management Relations and Cooperative Programs
- (8) Bureau of Labor Statistics
- (9) Employment Standards Administration
- (10) Employment and Training Administration
- (11) Mine Safety and Health Administration
- (12) Occupational Safety and Health Administration
- (13) Office of Labor Management Standards
- (14) Pension and Welfare Benefits Administration
- (15) Office of Assistant Secretary for Veterans' Employment and Training
- (16) Employees' Compensation Appeals Board
- (17) Wage Appeals Board
- (18) Benefits Review Board
- (19) Board of Contract Appeals
- (20) Office of Administrative Law Judges.

The heads of the foregoing agencies shall make available for inspection and copying in accordance with the provisions of this Part, records in their custody or in the custody of component units within their organizations, either directly or through their authorized representative in particular offices and locations.

(b)(1) The titles of the responsible officials of the various independent agencies in the Department of Labor are listed below. This list is provided for information only, to assist requesters in locating the office most likely to have responsive records. The officials may be changed by appropriate designation. Unless otherwise specified, the mailing addresses of the officials shall be:

U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.
 Secretary of Labor, *ATTENTION:*
 Assistant Secretary for Administration and Management (OASAM)
 Deputy Solicitor, Office of the Solicitor
 Assistant Secretary for Administration and Management (OASAM)

Deputy Assistant Secretary for Administration and Management (OASAM)
 Director, Directorate of Personnel Management, Office of the Assistant Secretary for Administration and Management (OASAM)
 Director, Office of Personnel Management Services, National Capital Service Center (OASAM)
 Director, Office of Procurement Services, National Capital Service Center (OASAM)
 Deputy Director, National Capital Service Center (OASAM)
 Director, Womens' Bureau
 Chairperson, Employees' Compensation Appeals Board
 Deputy Assistant Secretary for Policy
 Director, Office of Information and Public Affairs
 Director, Information, Privacy and Management Investigative Systems, Office of the Inspector General
 Associate Deputy Under Secretary for International Affairs
 Deputy Under Secretary for Labor-Management Relations and Cooperative Programs
 Commissioner, Bureau of Labor Statistics
 Assistant Secretary for Employment Standards
 Director, Office of Workers' Compensation Programs, Employment Standards Administration (ESA)
 Associate Director for Federal Employees' Compensation, ESA
 Associate Director for Longshore and Harbor Workers' Compensation, ESA
 Associate Director for Coal Mine Workers' Compensation, ESA
 Administrator, Wage and Hour Division, ESA
 Deputy Administrator, Wage and Hour Division, ESA
 Director, Office of Federal Contract Compliance Programs, ESA
 Director, Office of Management, Administration and Planning, ESA
 Director, Division of Program Development and Research, ESA
 Director, Division of Personnel and Organization Management, ESA
 Director, Office of State Liaison and Legislative Analysis, ESA
 Director, Office of Information and Consumer Affairs, ESA
 ESA Equal Employment Opportunity Coordinator, ESA
 Director, Office of Equal Employment Opportunity Occupational Safety and Health Administration (OSHA)
 Director, Office of Management Accountability and Performance, OSHA
 Director, Office of Information and Consumer Affairs, OSHA
 Director, Directorate of Federal-State Operations, OSHA
 Director, Office of Training and Education, OSHA
 Director, Directorate of Policy, OSHA
 Director, Directorate of Administrative Programs, OSHA
 Director, Office of Personnel Management, OSHA
 Director, Office of Administrative Services, OSHA

Director, Office of Management Data Systems, OSHA
 Director, Office of Management Systems and Organization, OSHA
 Director, Office of Program Budgeting, Planning and Financial Management, OSHA
 Director, Directorate of Field Operations, OSHA
 Director, Directorate of Technical Support, OSHA
 Director, Directorate of Safety Standards Programs, OSHA
 Director, Directorate of Health Standards Programs, OSHA
 Deputy Assistant Secretary for Labor Management Standards
 Associate Director for Program Services, Pension and Welfare Benefits Administration
 Director, Office of Veterans' Reemployment Rights
 Deputy Assistant Secretary for Veterans' Employment and Training
 Director, Office of Small and Disadvantaged Business Utilization
 Assistant Secretary for Employment and Training, ETA
 Administrator, Office of Financial and Administrative Management, ETA
 Administrator, Office of Job Training Programs, ETA
 Administrator, Office of Strategic Planning and Policy Development, ETA
 Administrator, Office of Regional Management, ETA
 Administrator, Office of Employment Security, ETA
 Chief, Division of Foreign Labor Certification, ETA
 Director, Office of the Comptroller, ETA
 Director, Office of Grants and Contract Management, ETA
 Chief, Division of Acquisition and ETA
 Chief, Planning Policy Control and Review Group, ETA
 Director, Office of Information Resources Management, ETA
 Director, Office of Management Support, ETA
 Personnel Officer, Division of Personnel and Administrative Services, ETA
 Director, Office of Employment and Training Programs, ETA
 Director, Office of Special Targeted Programs, ETA
 Director, Office of Job Corps, ETA
 Director, Bureau of Apprenticeship and Training, ETA
 Director, United States Employment Service, ETA
 Director, Unemployment Insurance Service, ETA.

The mailing address for responsible officials in the Office of Trade Adjustment Assistance, Employment and Training Administration is:

Patrick Henry Building, 601 D Street NW., Washington, DC 20213: Director, Office of Trade Adjustment Assistance.

The mailing address for the Director of the Regional Bureau of Apprenticeship and Training in Region VIII is:

Room 476, U.S. Custom House, 721—19th Street, Denver, CO 80202.

The mailing address for responsible officials in the Mine Safety and Health Administration is:

4015 Wilson Boulevard, Arlington, Virginia 22203.

Deputy Assistant Secretary
Chief, Office of Congressional and Legislative Affairs
Director, Office of Information and Public Affairs
Administrator for Coal Mine Safety and Health
Chief, Office of Technical Compliance and Investigation
Administrator for Metal and Nonmetal Mine Safety and Health
Director, Office of Assessments
Director, Office of Standards, Regulations and Variances
Director of Program Planning and Evaluation
Director of Administration and Management
Director of Educational Policy and Development.

The mailing address for the Office of Administrative Law Judges and the Benefits Review Board is:

1111 20th Street NW., Washington, DC 20036
Chief, Office of Administrative Law Judges, Suite 701
Chair, Benefits Review Board, Suite 757.

(b)(2) The titles of the responsible officials in the field offices of the various independent agencies are listed below: Unless otherwise specified, the mailing address for these officials by region, shall be:

Region I: J. F. K. Building, Government Center, Boston, Massachusetts 02203
Region II: 201 Varick Street, Room 750, New York, New York 10014
Region III: 3535 Market Street, Philadelphia, Pennsylvania 19104
Region IV: 1371 Peachtree Street NE., Atlanta, Georgia 30367
Region V: 230 South Dearborn Street, Chicago, Illinois 60604
Region VI: 525 Griffin Square Building, Griffin and Young Streets, Dallas, Texas 75202
Region VII: Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106
Region VIII: Federal Office Building, 1961 Stout Street, Denver, Colorado 80294
Region IX: 71 Stevenson Street, San Francisco, California 94119
Region X: 909 First Avenue, Seattle, Washington 98174
Regional Administrator for Administration and Management (OASAM)
Regional Personnel Officer, OASAM
Regional Administrator for Information and Public Affairs
Regional Administrator for Employment and Training Administration, (ETA)
Regional Director, Job Corps, ETA
Director, Regional Bureau of Apprenticeship and Training (ETA)
Regional Administrator for Employment Standards Administration
Assistant Regional Administrator for Wage and Hour, ESA

Assistant Regional Administrator for Federal Contract Compliance Programs, ESA

Assistant Regional Administrator for Workers' Compensation Program, ESA
Executive Assistant to the Regional Administrator, ESA
State Liaison Advisor, ESA.

Office of Workers' Compensation Programs, Deputy Commissioner

Room 1800, J.F.K. Building, Government Center, Boston, Massachusetts 02203
201 Varick Street, Room 750, New York, New York 10014

3535 Market Street, Philadelphia, Pennsylvania 19104

Penn Traffic Building, 319 Washington Street, Johnstown, Pennsylvania 15901 (BLBA only)

South Main Towers, 116 South Main Street, Wilkes-Barre, Pennsylvania 18701 (BLBA only)

Wellington Square, 1225 South Main Street, Greensburg, Pennsylvania 15601 (BLBA only)

31 Hopkins Plaza, Baltimore, Maryland 21201 (LHWCA only)

200 Granby Mall, Norfolk Virginia 23502 (LHWCA only)

1026 Quarrier Street, First Floor, Charleston, West Virginia 25301 (BLBA only)

609 Market Street, Parkersburg, West Virginia 26101 (BLBA only)

1100 L Street, NW., Room 9101, Washington, DC 20210 (FECA only)

1129 20th Street, NW., Washington, DC 20036 (DCCA)

334 Main Street, Fifth Floor, Pikeville, Kentucky 41501 (BLBA only)

500 Springdale Plaza, Spring Street, Mt. Sterling, Kentucky 40353 (BLBA only)

311 West Monroe, Jacksonville, Florida 32202 (LHWCA only)

400 West Bay Street, Jacksonville, Florida 32202 (FECA only)

230 South Dearborn Street, Chicago, Illinois 60604

1240 East 9th Street, Cleveland, Ohio 44199 (FECA only)

274 Marconi Boulevard, Third Floor, Columbus, Ohio 43215 (BLBA only)

525 Griffin Street, Federal Building, Dallas Texas 75202

500 Camp Street, New Orleans, Louisiana 70130

12800 North Featherwood Drive, Houston, Texas 77034 (LHWCA only)

601 Rosenberg Avenue, Galveston, Texas 77553 (LHWCA only)

911 Walnut Street, Kansas City, Missouri 64106 (FECA only)

1961 Stout Street, Drawer 3558, Denver, Colorado 80294 (FECA only)

P.O. Box 25346, Denver, Colorado 80225 (BLBA only)

Federal Building, P.O. Box 3769, San Francisco, California 94119

P.O. Box 3327, Terminal Island, California 90731 (LHWCA only)

300 Ala Moana Boulevard, Honolulu, Hawaii 96850

909 1st Avenue, Seattle, Washington 98174.

Chief, Division of Mining Information Systems

MSHA, P.O. Box 25367, DFC, Denver, CO 80225-0367.

Superintendent, National Mine Health and Safety Academy

P.O. Box 1166, Beckley, WV 25802-1166.

Chief, Approval and Certification Center

MSHA, R.R. 1, Box 251, Industrial Park Road, Tridelpia, WV 26059.

District Manager for Coal Mine Safety and Health:

Penn Place, Room 3128, 20 N. Pennsylvania Avenue, Wilkes-Barre, Pennsylvania 18701

4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213

5012 Mountaineer Mall, Morgantown, West Virginia 26505

P.O. Box 112, Mt. Hope, West Virginia 25880

P.O. Box 560, Norton, Virginia 24273

218 High Street, Pikeville, Kentucky 41501

P.O. Box 572, Barbourville, Kentucky 40906

501 Busseron Street, Vincennes, Indiana 47591

P.O. Box 25367 OFC, Denver, Colorado 80225

P.O. Box 473, Madisonville, Kentucky 42431.

District Manager for Metal and Nonmetal Mine Safety and Health:

228 Federal Building, Duluth, Minnesota 55802

P.O. Box 927, Vincennes, Indiana 47591

4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213

U.S. Post Office and Courthouse, P.O. Box 1894, Albany, New York 12201-1874

P.O. Box 25367 OFC, Denver, Colorado 80225

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Region IX: Federal Building, P.O. Box 3769, San Francisco, California 94119.

Signed at Washington, DC, this 4th day of February 1988.

Ann McLaughlin,
Secretary of Labor.

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Reader Aids

Federal Register

Vol. 53, No. 35

Tuesday, February 23, 1988

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230
---------------------	----------

Other Services:

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

2719-2816	1
2817-2994	2
2995-3182	3
3183-3324	4
3325-3570	5
3571-3720	8
3721-3844	9
3845-3996	10
3997-4104	11
4105-4372	12
4373-4588	16
4589-4826	17
4827-4952	18
4953-5148	19
5149-5268	22
5269-5356	23

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

5763	2719
5764	2814
5765	3183
5766	3185
5767	3327
5768	3573
5769	3575
5770	4105
5771	4373
5772	4375
5773	4953

Executive Orders:

12301 (Revoked by EO 12625)	2812
12625	2812

Administrative Orders:

Memorandums:	
Jan. 27, 1988	3571
Jan. 28, 1988	2816

Presidential Determinations:

No. 88-5 of	
Jan. 15, 1988	3325
No. 88-7 of	
Jan. 19, 1988	3845
No. 88-8 of	
Jan. 29, 1988	3847

5 CFR

Proposed Rule:

531	4986
950	4631

7 CFR

12	3997
68	3721
210	4377
225	4827
247	4831
272	2817
301	3849, 3850, 3999, 4841
401	4006, 4379, 4589
422	4380
656	4006
713	3856
907	3329, 4107, 4955
910	3330, 4108, 4956
932	2823
945	3187
947	2995
948	4498
966	3189
979	4956, 4957
989	4958
1097	3734
1106	5149
1136	4589
1139	4589
1403	3330
1901	3860

1942	3861
1951	3860
2902	4007
2903	4007
4000	4108
4001	4108

Proposed Rules:

52	3403, 3490
53	3025
54	3025
58	4639
250	2846
300	3896
318	3028
400	4986
401	4413, 5276, 5277
440	4413
456	4030
652	4989
907	2849, 3599
908	2849, 3599
917	2851
925	2851
927	4641
929	3036
948	3037
1421	2759
1823	2852
1900	4414
1930	2852
1933	2852
1942	2852
1944	2852
1948	2852
1980	2852, 4414
2054	3176

8 CFR

204	2824
214	3331

Proposed Rules:

212	3403
-----	------

9 CFR

78	4381
92	2824, 4842
97	4382
319	5150
362	3735

Proposed Rules:

50	4179
51	2759, 4179
71	3146
77	4179
78	3146, 4179
85	3146
92	4179
309	3146
310	3146
320	3146

10 CFR			
1.....	3861	39.....	2763-2765, 3044-3048, 3600-3604, 3753, 4418, 4419, 5080, 5189, 5192
20.....	3861	71.....	3049, 3528, 4179, 4306
30.....	3861, 4109	91.....	3606, 4306, 4314
40.....	3861, 4109	121.....	4314
55.....	3861	125.....	4314
60.....	4109	135.....	3606, 4314
61.....	4109	316.....	4180
70.....	3861, 4109		
71.....	4109	15 CFR	
72.....	4109	Ch. III.....	3014
73.....	3861, 4109	399.....	3490
74.....	4109	Proposed Rules:	
110.....	4109	806.....	4420
600.....	5260		
Proposed Rules:		16 CFR	
2.....	3404	13.....	4009
31.....	2853	1015.....	3867
		1500.....	3014
11 CFR		Proposed Rules:	
Proposed Rules:		13.....	3214
102.....	5277	453.....	2767
106.....	5277		
		17 CFR	
12 CFR		1.....	4604
18.....	3863	30.....	3338
32.....	2997	145.....	4606
207.....	2998	147.....	4606
220.....	2998	230.....	3868
221.....	2998	239.....	3192, 5269
224.....	2998	240.....	4120
226.....	3332	270.....	3868
265.....	5151	274.....	3192, 3868, 5269
614.....	2825, 3191	Proposed Rules:	
620.....	3334, 3335	249.....	2854
621.....	3335		
701.....	4843, 4844	18 CFR	
703.....	4843	2.....	3584, 3886
748.....	4844	37.....	3339, 3342
795.....	3000	154.....	3886
Proposed Rules:		157.....	3584, 4121
611.....	4416	201.....	3886
614.....	4417	270.....	3886
615.....	4642	271.....	3019, 3886
701.....	4992	380.....	3584, 4817
761.....	4856	389.....	3364, 5155
790.....	4996	Proposed Rules:	
791.....	4996	Ch. I.....	3754
13 CFR		19 CFR	
125.....	4008	111.....	4134
140.....	4112	141.....	4961
		154.....	2826
14 CFR		171.....	4961
21.....	2721-2733, 3534, 4098	270.....	2826
23.....	2721-2733	271.....	2826
36.....	3534	273.....	2826
39.....	2735-2737, 3001, 3002, 3577-3581, 3736-3738, 3807, 4114, 4115, 4383, 4604, 4605, 5152-5154	375.....	2826
47.....	3808	381.....	2826
49.....	3808	1310.....	2826
71.....	3005-3008, 3581-3714, 3842, 4117-4119, 5155	Proposed Rules:	
73.....	3010, 4845	101.....	2767
91.....	3810, 4846	128.....	4998
97.....	3011, 3012, 4846	143.....	1998
139.....	4119, 4258		
1206.....	2738	20 CFR	
1207.....	4606	61.....	3678
Proposed Rules:		62.....	3678
21.....	2761, 3040, 3042	200.....	3198
23.....	2761	346.....	3200
25.....	3040, 3042, 4314	355.....	3200
29.....	4314	359.....	3200
		416.....	3739, 4134
		626.....	4262
		627.....	4262
		628.....	4262
		629.....	4262
		630.....	4262
		631.....	4262
		21 CFR	
		1.....	2827
		16.....	4613
		133.....	3742
		184.....	4384
		201.....	4135
		522.....	4848
		524.....	4615
		558.....	4009
		884.....	5080
		892.....	5080
		1301.....	4963
		1303.....	4963
		1305.....	4963
		1306.....	4963
		1308.....	3744, 5156
		1311.....	4963
		Proposed Rules:	
		12.....	2767
		179.....	4856
		182.....	4184
		193.....	4643
		561.....	4643
		864.....	5080, 5108
		868.....	5080
		1301.....	3757
		1308.....	3292, 3314
		23 CFR	
		260.....	3744
		645.....	2829
		Proposed Rules:	
		Ch. I.....	3757
		635.....	3897
		24 CFR	
		42.....	4964
		43.....	4964
		200.....	3201, 3807, 4498
		201.....	3364
		203.....	3364, 4384
		232.....	3365
		234.....	3364
		235.....	3365
		247.....	3366
		882.....	4388
		886.....	3366
		26 CFR	
		1.....	3118, 4965
		301.....	5269
		Proposed Rules:	
		1.....	3118, 4858, 4999
		31.....	4858
		301.....	4858, 5279
		27 CFR	
		9.....	2834, 3745
		Proposed Rules:	
		9.....	3214, 4999
		28 CFR	
		0.....	4010
		42.....	3203
		Proposed Rules:	
		0.....	4034
		71.....	4034
		29 CFR	
		100.....	4615
		1601.....	3369, 3888
		1627.....	3370
		2619.....	4135
		2676.....	4137
		Proposed Rules:	
		70.....	5346
		1926.....	5280
		30 CFR	
		202.....	4011
		203.....	4011
		206.....	4011, 4012
		207.....	4011
		210.....	4011
		241.....	4011
		251.....	4390
		723.....	3664
		724.....	3664
		750.....	3664
		845.....	3664
		846.....	3664
		902.....	5159
		910.....	3664, 4976
		912.....	3664
		914.....	4392
		921.....	3664
		922.....	3664, 4976
		931.....	4013
		933.....	3664, 4976
		934.....	2837
		937.....	3664
		939.....	3664, 4976
		941.....	3664
		942.....	3664
		947.....	3664
		Proposed Rules:	
		750.....	3992
		936.....	3050
		943.....	4645
		946.....	5002
		31 CFR	
		103.....	4137, 5080
		235.....	3584
		240.....	3584
		245.....	3584
		248.....	3584
		32 CFR	
		884.....	4014
		Proposed Rules:	
		169.....	3218
		171.....	3218
		651.....	4646
		33 CFR	
		4.....	3370
		100.....	4016
		117.....	3206, 4018, 4019, 4394, 5164
		126.....	3370
		127.....	3370
		165.....	4016, 4019, 4616, 5165
		203.....	2841
		222.....	4258
		230.....	3120
		325.....	3120
		402.....	4395
		Proposed Rules:	
		100.....	3221, 4421
		110.....	4422
		117.....	2769, 4423, 5193
		165.....	3609, 5194
		334.....	3758

34 CFR		42 CFR		69..... 3057	1056..... 4863
3..... 4619		59..... 2922		73..... 3761-3763, 3897-3899, 4674, 5201, 5283-5289	1312..... 5022
17..... 4619		401..... 4158		80..... 3058	
305..... 3524		405..... 4158		48 CFR	50 CFR
322..... 4619		408..... 4158		1..... 3688, 4817, 4934	14..... 3894
777..... 3020		435..... 3586, 5344		22..... 4934	17..... 3560-3567, 4626
Proposed Rules:		436..... 3586		32..... 3688, 4817	301..... 3213
30..... 5136		Proposed Rules:		50..... 4934	611..... 3401
327..... 4185		405..... 5008		52..... 3688, 4817, 4934	642..... 3401
350..... 3832		406..... 5008		53..... 4934	652..... 4630
360..... 3832		407..... 5008		204..... 5014	657..... 4982
669..... 2918				205..... 5014	675..... 4178
35 CFR		43 CFR		206..... 5014	Proposed Rules:
Proposed Rules:		2..... 3748		219..... 5014	13..... 4437
103..... 4424		11..... 5166		226..... 5014	17..... 3901, 5022
36 CFR		29..... 3395		232..... 3751	21..... 4437
7..... 3747		35..... 4159		235..... 5014	661..... 3225
222..... 2978		4100..... 2984		252..... 3751, 5014	663..... 3225
Proposed Rules:		Public Land Orders:		525..... 4169	
7..... 3759		6663..... 3750		553..... 4169	
37 CFR		Proposed Rules:		701..... 4979	
201..... 3118		3160..... 3158, 3168		702..... 4979	
38 CFR		44 CFR		733..... 4979	
3..... 3206		5..... 2739		750..... 4979	
21..... 3207, 4396, 4848		64..... 2741, 3208, 4408, 5176, 5272		2901..... 3839	
36..... 3207, 4977		65..... 5178, 5180		2902..... 3839	
Proposed Rules:		67..... 2743, 5181		2903..... 3839	
1..... 4858		205..... 3595		2905..... 3839	
21..... 2855, 4186		Proposed Rules:		2906..... 3839	
39 CFR		61..... 4673		2909..... 3839	
111..... 3585, 5270		67..... 4425, 4675, 5195		2913..... 3839	
964..... 4849				2914..... 3839	
Proposed Rules:		45 CFR		2915..... 3839	
111..... 5282		73..... 4409		2916..... 3839	
40 CFR		301..... 5246		2917..... 3839	
52..... 3888, 4020, 4139, 4620-4622		302..... 5246		2919..... 3839	
60..... 2914, 3891, 4140		303..... 5246		2933..... 3839	
61..... 3891		305..... 5246		2943..... 3839	
65..... 4024		2201..... 3320		2949..... 3839	
85..... 3892		2202..... 3321		Proposed Rules:	
86..... 3893		Proposed Rules:		3..... 4437	
122..... 4157		85..... 4425		14..... 3814	
141..... 5142		1180..... 3405		15..... 3814	
143..... 5142		46 CFR		17..... 3814	
180..... 3021-3023		503..... 4027		37..... 3814	
261..... 4850		Proposed Rules:		52..... 3814	
271..... 3894, 4850		42..... 5200		223..... 3764	
372..... 4500		44..... 5200		225..... 4044	
721..... 2842, 2845		45..... 5200		242..... 3764	
799..... 3382		77..... 4435		252..... 3764, 4044	
Proposed Rules:		96..... 4435		807..... 5201	
51..... 3698		170..... 5200		852..... 5201	
52..... 3052, 3698		174..... 5200		1246..... 3222	
60..... 5082		195..... 4435		5215..... 3225	
81..... 3760, 4858		47 CFR		5252..... 3225	
86..... 4044		0..... 4411, 5184		49 CFR	
147..... 4859		2..... 3210, 4624		92..... 4170	
180..... 4860		15..... 3894		1003..... 4851	
261..... 5195		22..... 3210, 4624		1011..... 3400, 4851	
280..... 3818		25..... 4624		1150..... 4625	
372..... 5004		32..... 4978		1152..... 3400	
721..... 2857		43..... 4624		1181..... 4851	
41 CFR		73..... 3024, 4258, 5184-5187, 5344		1186..... 4851	
101-1..... 2738		74..... 4168		1206..... 4028	
101-40..... 4623		76..... 3212		1249..... 4028	
Proposed Rule:		90..... 3210, 3751		Proposed Rules:	
101-47..... 4672		Proposed Rules:		89..... 4180	
		2..... 4862		171..... 4348	
		22..... 4862, 5020, 5289		173..... 4348, 4862	
		25..... 3056		1039..... 3900	
				1041..... 3058	
				1048..... 3058	
				1049..... 3058	

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last List February 22, 1988

